



General Assembly

Distr.
GENERAL

A/45/762
10 December 1990

ORIGINAL: ENGLISH

Forty-fifth session
Agenda item 106

ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE

Report of the Third Committee

Rapporteur: Mr. Mario DE LEON (Philippines)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "Elimination of all forms of religious intolerance" and to allocate it to the Third Committee.

2. The Third Committee considered this item jointly with items 89, 93, 97, 105, 109 and 110 at its 35th to 42nd, 49th, 51st, 55th, 59th, 61st and 62nd meetings, on 7 to 9, 12 to 14, 21, 23 and 28 to 30 November, and 3 and 4 December 1990. An account of the Committee's general discussion of the item is contained in the relevant summary records (A/C.3/45/SR.35-42).

3. For its consideration of the item, the Committee had before it the following documentation:

(a) Letter dated 6 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/205-S/21236);

(b) Letter dated 18 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/222-S/21255);

(c) Letter dated 19 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/225-S/21256);

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(d) Letter dated 2 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/265-S/21284);

(e) Letter dated 8 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/270-S/21290).

4. At the 35th meeting, on 7 November, the Director of the Implementation of International Instruments and Procedures Branch of the Centre for Human Rights made an introductory statement (see A/C.3/45/SR.35).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.3/45/L.55

5. At the 49th meeting, on 21 November, the representative of Ireland, on behalf of Australia, Austria, Belgium, Canada, Colombia, Costa Rica, Côte d'Ivoire, Fiji, Finland, France, Germany, Hungary, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Norway, the Philippines, Poland, Portugal, Senegal, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela, introduced a draft resolution (A/C.3/45/L.55), entitled "Elimination of all forms of religious intolerance". Subsequently, Peru and Samoa joined in sponsoring the draft resolution.

6. At the 55th meeting, on 28 November, the Committee adopted the draft resolution without a vote (see para. 7 below).

III. RECOMMENDATION OF THE THIRD COMMITTEE

7. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

Elimination of all forms of religious intolerance

The General Assembly,

Conscious of the need to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling its resolution 44/131 of 15 December 1989, in which it requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration,

Encouraged by the efforts being made by the Commission on Human Rights and by the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study relevant developments affecting the implementation of the Declaration,

Recalling Commission on Human Rights resolution 1990/27 of 2 March 1990, 1/ and Economic and Social Council decision 1990/229 of 25 May 1990, by which the mandate of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate was extended for two years,

Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain,

Emphasizing that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion or belief by, inter alia, engaging in the examination of the most effective means to promote the implementation of the Declaration,

Conscious of the importance of education in ensuring tolerance of religion and belief,

Seriously concerned that intolerance and discrimination on the grounds of religion or belief continue to occur in many parts of the world and that in some respects the incidence thereof has increased,

Believing that further efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of intolerance and discrimination based on religion or belief,

Recalling that the tenth anniversary of the proclamation by the General Assembly of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief will occur in 1991 and that this will provide an opportunity to reinforce efforts aimed at the effective implementation of the Declaration,

1. Reaffirms that freedom of thought, conscience, religion and belief is a right guaranteed to all without discrimination;
2. Urges States, therefore, in accordance with their respective constitutional systems and with such internationally accepted instruments as the

1/ Official Records of the Economic and Social Council, 1990, Supplement No. 2 (E/1990/22 and Corr.1), chap. II, sect. A.

Universal Declaration of Human Rights, 2/ the International Covenant on Civil and Political Rights 3/ and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, to provide, where they have not already done so, adequate constitutional and legal guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there is intolerance or discrimination based on religion or belief;

3. Also urges all States to take all appropriate measures to combat intolerance and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief and, in this context, to examine where necessary the supervision and training of their civil servants, educators and other public officials to ensure that, in the course of their official duties, they respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

4. Calls upon all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;

5. Also calls upon all States in accordance with their national legislation to exert utmost efforts to ensure that religious places and shrines are fully respected and protected;

6. Urges all States to consider, in the context of the tenth anniversary in 1991 of the proclamation by the General Assembly of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, what further measures might be taken at the national and regional levels to promote the effective implementation of the Declaration;

7. Invites the United Nations University and other academic and research institutions to undertake programmes and studies on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief;

8. Considers it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and to ensure, especially in the context of the tenth anniversary of the proclamation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, that appropriate measures are taken to this end in the World Public Information Campaign for Human Rights;

2/ Resolution 217 A (III).

3/ See resolution 2200 A (XXI), annex.

9. Invites the Secretary-General to continue to give high priority to the dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in all the official languages of the United Nations, and to take all appropriate measures to make the text available for use by United Nations information centres, as well as by other interested bodies;

10. Welcomes the efforts of non-governmental organizations to promote the implementation of the Declaration, including at the Second International Conference on Ways to Promote the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, held at Warsaw from 14 to 18 May 1989;

11. Requests the Secretary-General to invite interested non-governmental organizations to consider what further role they could envisage playing in the implementation of the Declaration and in its dissemination in national and local languages;

12. Urges all States to consider disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in national and local languages;

13. Welcomes the decision of the Economic and Social Council, based on the recommendation of the Commission on Human Rights at its forty-sixth session, 1/ to renew for two years the mandate of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

14. Notes that the Commission on Human Rights welcomed with appreciation the working paper prepared by Mr. Theo van Boven, 4/ member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which contained a compilation of provisions relevant to the elimination of intolerance and discrimination based on religion or belief, as well as the issues and factors to be considered before any drafting of a further binding international instrument, and emphasizes, in this connection, the relevance of General Assembly resolution 41/120 of 4 December 1986 entitled "Setting international standards in the field of human rights";

15. Requests the Commission on Human Rights to continue its consideration of measures to implement the Declaration and to report, through the Economic and Social Council, to the General Assembly at its forty-sixth session;

16. Decides to include in the provisional agenda of its forty-sixth session the item entitled "Elimination of all forms of religious intolerance" and to consider the report of the Commission on Human Rights under that item.



General Assembly

Distr.
GENERAL

A/45/763
5 December 1990

ORIGINAL: ENGLISH

Forty-fifth session
Agenda item 107

OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Report of the Third Committee

Rapporteur: Mr. Mario L. DE LEON (Philippines)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "Office of the United Nations High Commissioner for Refugees" and to allocate it to the Third Committee.

2. The Committee considered the item at its 43rd to 47th, 49th and 55th meetings, on 15, 16, 19, 21 and 28 November 1990. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/45/SR.43-47, 49 and 55).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Economic and Social Council, chapter III, section E (A/45/3); 1/

(b) Report of the United Nations High Commissioner for Refugees (A/45/12 2/ and Add.1); 3/

1/ To be issued as Official Records of the General Assembly, Forty-fifth Session, Supplement No. 3 (A/45/3/Rev.1).

2/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 12 (A/45/12).

3/ To be issued as Official Records of the General Assembly, Forty-fifth Session, Supplement No. 12A (A/45/12/Add.1).

(c) Report of the Secretary-General on the International Conference on Indo-Chinese Refugees (A/45/449);

(d) Report of the Secretary-General on the International Conference on Central American Refugees (A/45/450);

(e) Report of the Secretary-General on the International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa (A/45/480);

(f) Note by the Secretary-General transmitting the report of the Joint Inspection Unit entitled "The co-ordination of activities related to early warning of possible refugees flows" (A/45/649 and Corr.1 and Add.1);

(g) Letter dated 2 August 1990 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General (A/45/378).

4. At the 43rd meeting, on 15 November, the Officer-in-Charge of the Office of the United Nations High Commissioner for Refugees made an introductory statement (A/C.3/45/SR.43).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/45/L.60

5. At the 49th meeting, on 21 November, the representative of Tunisia, on behalf of the States Members of the United Nations that are members of the Group of African States introduced a draft resolution (A/C.3/45/L.60) entitled "International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa".

6. At the 55th meeting, on 28 November, the Committee adopted draft resolution A/C.3/45/L.60 without a vote (see para. 18, draft resolution I).

7. After the draft resolution was adopted, the representatives of the United States of America and Italy (on behalf of the Twelve States Members of the United Nations that are members of the European Community) made statements (A/C.3/45/SR.55).

B. Draft resolution A/C.3/45/L.61

8. At the 49th meeting, on 21 November, the representative of the Philippines, on behalf of Australia, Austria, Brunei Darussalam, Canada, Chad, Ethiopia, Guatemala, Indonesia, Lesotho, Malaysia, Mauritania, New Zealand, Papua New Guinea, the Philippines, Singapore, Somalia, the Sudan, Thailand and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution (A/C.3/45/L.61) entitled "Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees". Subsequently, Yugoslavia joined in sponsoring the draft resolution.

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9. At the 55th meeting, on 28 November, the Committee adopted draft resolution A/C.3/45/L.61 without a vote (see para. 18, draft resolution II).

10. After the the draft resolution was adopted, the representative of the United States of America 4/ made a statement.

C. Draft resolution A/C.3/45/L.63

11. At the 49th meeting, on 21 November, the representative of Guinea, on behalf of Algeria, Benin, Bolivia, Chad, Congo, Côte d'Ivoire, Djibouti, Ecuador, Ethiopia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Morocco, Namibia, the Niger, Nigeria, Qatar, Senegal, Sierra Leone, Singapore, Somalia, the Sudan, Togo, Trinidad and Tobago, Tunisia, Uganda, the United Republic of Tanzania, Zaire, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/45/L.63) entitled "Emergency humanitarian assistance to Liberian refugees and displaced persons". Subsequently, Costa Rica, Cuba, Egypt and France joined in sponsoring the draft resolution.

12. At the 55th meeting, on 28 November, the Committee adopted draft resolution A/C.3/45/L.63 without a vote (see para. 18, draft resolution III).

D. Draft resolution A/C.3/45/L.64

13. At the 49th meeting, on 21 November, the representative of Sweden, on behalf of Australia, Austria, Belgium, Canada, Costa Rica, Cyprus, Czechoslovakia, Denmark, Djibouti, El Salvador, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Honduras, Hungary, Iceland, Italy, Japan, Luxembourg, Malawi, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Portugal, Senegal, Somalia, Spain, the Sudan, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, the United States of America and Zimbabwe, introduced a draft resolution (A/C.3/45/L.64) entitled "Office of the United Nations High Commissioner for Refugees". Subsequently, Argentina and the Philippines joined in sponsoring the draft resolution.

14. In introducing the draft resolution, the representative of Sweden orally revised it as follows:

(a) In the eighth preambular paragraph, the words "are commensurate with" were replaced by the word "meet" before the words "the current size";

(b) In the ninth preambular paragraph, the words "timely and" before the words "adequate resettlement" were deleted.

4/ The representative of the United States of America indicated that his delegation had not participated in the action taken on the draft resolution.

15. At the 55th meeting, on 28 November, the Committee adopted draft resolution A/C.3/45/L.64, as orally revised, without a vote (see para. 18, draft resolution IV).

E. Draft resolution A/C.3/45/L.65

16. At the 49th meeting, on 21 November, the representative of Guatemala, on behalf of Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Finland, Guatemala, Haiti, Honduras, Italy, Mexico, Morocco, Nicaragua, Norway, Paraguay, Peru, the Philippines, Spain, Sweden, Uruguay and Venezuela, introduced a draft resolution (A/C.3/45/L.65) entitled "International Conference on Central American refugees".

17. At the 55th meeting, on 28 November, the Committee adopted draft resolution A/C.3/45/L.65 without a vote (see para. 18, draft resolution V).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

18. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa

The General Assembly,

Recalling its resolution 44/136 of 15 December 1989 on the International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa,

Gravely concerned about the continuous deterioration of the situation in southern Africa arising from the domination and oppression of the people of South Africa by the minority racist régime of South Africa,

Having examined the report of the Secretary-General 5/ on the International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa, held at Oslo from 22 to 24 August 1988,

Conscious of its responsibility to provide economic, material and humanitarian assistance to independent States in southern Africa in order to assist them in coping with the situation resulting from the acts of aggression and destabilization committed by the apartheid régime of South Africa,

Noting with appreciation the consultations undertaken by the Secretary-General to establish within the United Nations system a mechanism to ensure the implementation and overall co-ordination of relief programmes for internally displaced persons,

Convinced of the necessity to strengthen the capacity of the identified focal points within the United Nations system for the implementation and the overall co-ordination of relief programmes for internally displaced persons,

Noting with indignation that South Africa's policy of apartheid and its direct and indirect acts of aggression, intimidation and destabilization through armed terrorists continue to be the main causes of refugee flows and increasing displacement of persons in southern Africa,

Convinced that there is an urgent need for the international community to extend maximum and concerted assistance to southern African countries sheltering refugees, returnees and displaced persons and also to highlight the plight to these persons,

1. Takes note with satisfaction of the report of the Secretary-General on the International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa;
2. Reaffirms the need to continue the implementation of the Oslo Declaration and Plan of Action on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa adopted by the Conference; 6/
3. Expresses its gratitude to the countries and organizations that have given assistance to the countries of southern Africa to enable them to cope with the situation of refugees, returnees and displaced persons in their countries;
4. Calls upon the international community to provide increased assistance to the countries of southern Africa to enable them to strengthen their capacity to provide the necessary facilities and services for the care and well-being of the refugees, returnees and displaced persons in their countries;
5. Reiterates its appreciation to the Secretary-General for his efforts, on behalf of the international community, to organize and mobilize special programmes of economic assistance for the front-line and other neighbouring States to help them to withstand the effects of the acts of aggression and destabilization committed by the apartheid régime of South Africa;
6. Notes with appreciation the efforts made by the Secretary-General, the Office of the United Nations High Commissioner for Refugees and the Administrator of the United Nations Development Programme to implement the specific tasks and responsibilities assigned to them in the Oslo Declaration and Plan of Action, and encourages them to continue their efforts;
7. Endorses the recommendation of the Secretary-General aimed at assigning to the United Nations resident co-ordinators the function of co-ordinating assistance for internally displaced persons, in close co-operation with Governments, local representatives of donor countries and United Nations agencies in the field;
8. Requests the Secretary-General to strengthen the capacity of the identified focal points at the field level to enable them to respond more effectively to government requests for assistance to refugees and displaced persons;
9. Once again urges all Member States, organizations of the United Nations system and governmental and non-governmental organizations to undertake the measures required of them under the Oslo Declaration and Plan of Action;
10. Decides to consider this question at its forty-sixth session on the basis of a report to be submitted by the Secretary-General.

DRAFT RESOLUTION II

Enlargement of the Executive Committee of the Programme of the
United Nations High Commissioner for Refugees

The General Assembly,

Taking note of Economic and Social Council resolution 1990/55 of 24 July 1990 on the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Noting also the note verbale dated 17 May 1990 from the Permanent Representative of the Philippines to the United Nations ^{7/} addressed to the Secretary-General regarding the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

1. Decides to increase the membership of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees from 43 to 44;

2. Requests the Economic and Social Council to elect the one additional member at its first regular session in 1991.

DRAFT RESOLUTION III

Emergency humanitarian assistance to Liberian refugees and
displaced persons

The General Assembly,

Bearing in mind the civil strife that has in the past year ravaged the West African State of Liberia, decimated its population and forced thousands of Liberians to become refugees abroad and displaced persons within their own homeland,

Having considered the report of the United Nations High Commissioner for Refugees, ^{8/} in which he asserts that developments in the West African subregion necessitate new emergency operations,

Deeply concerned about the mass exodus of innocent victims of the Liberian civil strife into neighbouring West African countries and the enormous burden that this movement has placed on the infrastructure and already insufficient resources of the West African countries concerned,

^{7/} E/1990/89.

^{8/} Official Records of the General Assembly, Forty-fifth Session, Supplement No. 12 (A/45/12).

Aware that the majority of the refugees and displaced persons are women and children who are particularly vulnerable to the hardship imposed on them by the unfortunate circumstances,

Noting the determined and sustained efforts being made by the Governments of the West African countries hardest hit by the crisis to cater for and restore faith and hope among the Liberian refugees in their countries,

1. Expresses its appreciation to the Secretary-General for having taken steps to encourage continued and concerted international action in favour of Liberian refugees and displaced persons;
2. Acknowledges, with grateful appreciation, the emergency humanitarian assistance provided by the United Nations High Commissioner for Refugees and the governmental and intergovernmental agencies to the thousands of Liberian refugees and displaced persons in the West African subregion;
3. Appeals to the organizations of the United Nations system, Member States and international and voluntary organizations, including non-governmental organizations in consultative status with the Economic and Social Council, to intensify urgent humanitarian and other assistance for the relief and rehabilitation of the victims of the Liberian civil strife taking refuge in neighbouring West African countries;
4. Also appeals to the organizations of the United Nations system, governmental and intergovernmental bodies as well as non-governmental organizations to provide the necessary material and financial assistance for the return and resettlement of the victims of the Liberian civil war;
5. Requests the United Nations High Commissioner for Refugees to continue with his efforts to mobilize additional resources necessary for the rehabilitation of Liberian refugees and displaced persons and to find a durable solution to the problem of Liberian refugees;
6. Requests the Secretary-General, in co-operation with the Office of the United Nations High Commissioner for Refugees, to report on the implementation of the present resolution to the General Assembly at its forty-sixth session.

DRAFT RESOLUTION IV

Office of the United Nations High Commissioner for Refugees

A

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office, 9/ as well as the report of the Executive Committee of the Programme of the United Nations High Commissioner on the work of its forty-first session, 10/ having heard the statement made by the Officer-in-charge of the Office of the United Nations High Commissioner on 15 November 1990 and having considered the report of the Secretary-General on the International Conference on Indo-Chinese Refugees, 11/

Recalling its resolutions 44/137 and 44/138 of 15 December 1989,

Reaffirming the purely humanitarian and non-political character of the activities of the Office of the United Nations High Commissioner, as well as the fundamental importance of the High Commissioner's international protection function and the need for States to co-operate with the High Commissioner in the exercise of this primary and essential responsibility,

Noting with satisfaction that one hundred and seven States are now parties to the 1951 Convention 12/ and/or the 1967 Protocol 13/ relating to the Status of Refugees,

Welcoming the valuable support extended by Governments to the Office of the United Nations High Commissioner in carrying out its humanitarian tasks,

Noting with concern that refugee protection continues to be seriously jeopardised in many States, including through expulsion, refoulement and other threats to the physical security, dignity and well-being of refugees,

9/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 12 (A/45/12).

10/ Ibid., Supplement No. 12A (A/45/12/Add.1).

11/ A/45/449.

12/ United Nations, Treaty Series, vol. 189, No. 2545.

13/ Ibid., vol. 606, No. 8791.

Commending the Office of the United Nations High Commissioner for its efforts to continue to address the special problems and needs of refugee and displaced women and children, who in many cases are exposed to a variety of difficult situations affecting their physical and legal protection as well as their psychological and material well-being,

Emphasizing the need for States to assist, on as wide a basis as possible, the efforts of the Office of the United Nations High Commissioner to search for durable and timely solutions to the problems of refugees based on new approaches that meet the current size and characteristics of these problems and are built on the respect of fundamental human rights and basic internationally agreed protection principles and concerns,

Aware of the need for the international community to continue to provide adequate resettlement opportunities for those refugees for whom no other durable solution is in sight,

Commending those States which, despite severe economic and development problems of their own, continue to admit large numbers of refugees and displaced persons of concern to the Office of the United Nations High Commissioner into their territories, and emphasizing the need to share the burden of these States to the maximum extent possible through international assistance, including development-oriented assistance,

Aware that the application of the principle of international solidarity implies an improved sharing of responsibilities and arrangements between relevant agencies of the United Nations system and other concerned governmental and non-governmental organizations for the financing and implementation of related activities and that such activities need also include specific development assistance to avert new flows of refugees as well as solving problems of refugees, returnees and areas hosting them,

Commending the Office the United Nations High Commissioner and its staff for the dedicated manner in which they discharge their responsibilities, and paying tribute to those staff members who have endangered their lives in the course of their duties,

1. Strongly reaffirms the fundamental nature of the function of the Office of the United Nations High Commissioner for Refugees to provide international protection and the need for States to co-operate fully with this Office in fulfilling this function, in particular by acceding to and fully and effectively implementing the relevant international and regional refugee instruments;

2. Recognizes the urgent need to put all issues related to refugees, asylum-seekers and other migratory flows firmly on the international political agenda especially in view of the fortieth anniversary of the Office of the United Nations High Commissioner and the 1951 Convention relating to the Status of Refugees, and in this connection welcomes initiatives to promote further awareness and support for the Office, including accessions to this instrument;

3. Calls upon all States to refrain from taking measures that jeopardize the institution of asylum, in particular by returning or expelling refugees and asylum-seekers contrary to fundamental prohibitions against these practices, and urges States to ensure proper determination procedures and to continue to give humane treatment and grant asylum to refugees;

4. Condemns violations of the rights and safety of refugees and asylum-seekers, in particular those perpetrated by military or armed attacks on refugee camps and settlements, forced recruitment into armed forces and other forms of violence, and reiterates the conclusions on military or armed attacks on refugee camps and settlements adopted by the Executive Committee of the Programme of the United Nations High Commissioner at its thirty-eighth session; 14/

5. Calls upon States to give high priority to the rights of refugee children, to their survival and to their protection and development as reflected in the Convention on the Rights of the Child 15/ and in the World Declaration and Plan of Action on the Survival, Protection and Development of Children, adopted by the World Summit for Children; 16/

6. Endorses the High Commissioner's policy on refugee women, which provides for the integration of refugee women into all the programmes of the Office of the United Nations High Commissioner, as well as the conclusion on refugee women and international protection, adopted by the Executive Committee of the Programme of the United Nations High Commissioner at its forty-first session; 9/

7. Urges States, relevant agencies of the United Nations system and other international intergovernmental and non-governmental organizations to support the implementation of the policy on refugee women through their own efforts;

8. Recognizes the importance of attaining durable solutions to refugee problems and, in particular, the need to address in this process the root causes of refugee movements in order to avert new flows of refugees and to facilitate the solution of existing problems;

9. Underlines the concept of State responsibility particularly as it relates to the countries of origin, including addressing root causes, facilitating voluntary repatriation and the return of their nationals who are not refugees;

14/ Official Records of the General Assembly, Forty-second Session, Supplement No. 12A (A/42/12/Add.1).

15/ Resolution 44/25.

16/ A/45/625, annex.

10. Urges all States to support the Office of the United Nations High Commissioner in its efforts to search for durable solutions to the problem of refugees and displaced persons of concern to the Office, primarily through voluntary repatriation or return, which remains the most desirable solution to the problem of refugees or, wherever appropriate, through integration into countries of asylum or through resettlement in third countries;

11. Welcomes the decision of the Executive Committee at its extraordinary session in May 1990 17/ to adopt the report by the Temporary Working Group, which was established by the Executive Committee at its fortieth session, and calls upon all parties concerned to continue to implement the recommendations contained in that report;

12. Endorses the decisions on administrative and financial matters adopted by the Executive Committee at its forty-first session, and notes with satisfaction the efforts under way to find an appropriate mechanism that will address the need of the High Commissioner to have a higher degree of flexibility to ensure funding of ongoing needs under approved general programmes and of initial emergency needs under special programmes pending the receipt of contributions pledged;

13. Calls upon the High Commissioner to sustain his efforts in assuring greater inter-agency co-operation in responding to the needs of refugees and, in particular, in seeking to complement the Office's humanitarian endeavours with development initiatives from specialized agencies so as to attain, in an effective and efficient manner, further and more concrete results towards achieving durable solutions, and calls also upon the member Governments to support these efforts in the governing bodies of these agencies;

14. Welcomes Economic and Social Council resolution 1990/78 of 27 July 1990 which, inter alia, requests the Secretary-General, within existing resources, to initiate, with a view to recommending ways of maximizing co-operation and co-ordination among the various organizations of the United Nations system, a system-wide review to assess the experience and capacity of these organizations in the co-ordination of assistance to all refugees, displaced persons and returnees, and the full spectrum of their needs, in supporting the efforts of the affected countries, and report on the results to the Economic and Social Council at its second regular session of 1991;

15. Endorses the conclusion on the note on international protection adopted by the Executive Committee of the Programme of the United Nations High Commissioner at its forty-first session which, in particular, recognizes the importance of human rights and humanitarian principles and that the current size and characteristics of the refugee and asylum problem necessitate appropriate reassessment of international responses to the problem to date, with a view to developing comprehensive approaches to meet present realities, and at the same time notes the difference between refugees and persons seeking to migrate for economic and related reasons;

17/ A/AC.96/747.

16. Also endorses, with these objectives in mind, the conclusion on solutions and protection adopted by the Executive Committee of the Programme of the United Nations High Commissioner at its forty-first session, which takes note of the establishment of the Executive Committee Working Group on Solutions and Protection, which will present a report to the Executive Committee at its forty-second session;

17. Further endorses the conclusions of the Executive Committee at its forty-first session on the implementation of the Comprehensive Plan of Action for Indo-Chinese Refugees and on repatriation to Cambodia, welcomes the decision of the Secretary-General to designate the High Commissioner as his Special Representative to co-ordinate efforts with all parties concerned to promote the phased and orderly return of non-refugees in a manner that is fully compatible with the humanitarian mandate of his Office and under conditions of safety and dignity, and requests the Secretary-General to continue to monitor closely the progress towards the implementation of said conclusions and to report to the General Assembly at its forty-sixth session;

18. Endorses the conclusions of the Executive Committee at its forty-first session on the International Conference on Central American Refugees and on the situation of refugees in Africa, and calls upon the Office of the United Nations High Commissioner and all other parties concerned to continue their efforts in implementing these conclusions;

19. Expresses deep appreciation for the valuable material and humanitarian response of receiving countries, in particular those developing countries which, despite limited resources, continue to admit large numbers of refugees and asylum-seekers on a permanent or temporary basis;

20. Urges the international community, including non-governmental organizations, in accordance with the principle of international solidarity and in the spirit of burden-sharing, to continue to assist the above-mentioned countries and the High Commissioner in order to enable them to cope with the additional burden that the care for refugees and asylum-seekers represents;

21. Calls upon all Governments to contribute to the High Commissioner's programmes and, taking into account the need to achieve greater burden-sharing among donors, to assist the High Commissioner in securing additional and timely income from traditional governmental sources, other Governments and the private sector in order to ensure that the needs of refugees, returnees and displaced persons of concern to the Office of the United Nations High Commissioner are met.

B

The General Assembly,

Recalling its resolutions 1166 (XII) of 26 November 1957, 2956 B (XXVII) of 12 December 1972, 3271 B (XXIX) of 10 December 1974 and 35/41 B of 25 November 1980 in connection with the Emergency Fund of the United Nations High Commissioner for Refugees,

Noting with appreciation the work of the Executive Committee of the Programme of the United Nations High Commissioner in relation to the funding and administration of programmes and projects, including those aimed at responding to emergency situations,

Authorizes the Executive Committee of the Programme of the United Nations High Commissioner to determine in future the terms and conditions for the operation of the Emergency Fund.

DRAFT RESOLUTION V

International Conference on Central American refugees

The General Assembly,

Recalling resolutions 42/1 of 7 October 1987, 42/110 of 7 December 1987, 42/204 of 11 December 1987, 42/231 of 12 May 1988, 43/118 of 8 December 1988 and 44/139 of 15 December 1989,

Recalling that the International Conference on Central American Refugees is related to the initiative of the Central American Presidents expressed in the procedures for the establishment of a firm and lasting peace in Central America (Esquipulas II), 18/ as indicated in the San Salvador communiqué on the Central American refugees, of 9 September 1988, 19/

Recognizing the importance and the continuing validity of the Declaration of the International Conference on Central American Refugees 20/ held at Guatemala City from 29 to 31 May 1989, and especially the framework contained in the Concerted Plan of Action in favour of Central American refugees, returnees and displaced persons, 20/

Noting the establishment of the national and international follow-up mechanisms contemplated in the Plan of Action of the Conference,

Taking into account that the Conference has become an integral part of the Special Plan of Economic Co-operation for Central America, 21/ as outlined in General Assembly resolution 42/231 of 12 May 1988, thus responding to the needs of refugees, returnees and displaced persons,

18/ A/42/521-S/19085, annex.

19/ A/C.3/43/6, annex.

20/ A/44/527, Corr.1, annex.

21/ A/42/949, annex.

Recalling also the important declarations of support for the Conference process and its objectives contained in the communiqués issued by the Central American Presidents following the summit meetings at Tela, Honduras on 7 August 1989, Montelimar, Nicaragua on 3 April 1990, and Antigua, Guatemala on 17 June 1990; in General Assembly resolution 44/139 of 13 March 1990 and in resolution 1021 (XIX-0/89) of the General Assembly of the Organization of American States; in the conclusion of the Executive Committee of the High Commissioner's Programme 22/ and lastly, in the communiqué 23/ of the meeting between the Ministers for Foreign Affairs of the European Community and of Central America, held at Dublin on 9 and 10 April 1990,

Noting the generous support provided by the participating countries for the proposals presented by the Central American countries, Belize and Mexico at the first international meeting of the Follow-up Committee,

Convinced that peace, development and democracy are essential in order to solve the problem of uprooted populations in the region,

Recognizing the valuable co-operation of the Office of the Secretary-General of the United Nations, the Office of the United Nations High Commissioner for Refugees and the United Nations Development Programme with the affected countries through the Conference Joint Support Unit, to ensure the follow-up of the Plan of Action and the proper implementation of the objectives and proposals contained therein,

Noting with satisfaction the progress made in the region through dialogue and national reconciliation, which contribute to the consolidation of peace and the strengthening of democratic processes,

1. Takes note of the reports of the Secretary-General 24/ and of the United Nations High Commissioner for Refugees relating to the Conference; 25/

2. Welcomes with satisfaction the meetings held by the Follow-up Committee established by the Conference as the mechanism provided in the Concerted Plan of Action, and encourages further meetings with a view to the effective follow-up of activities related to the implementation of plans and projects in favour of displaced persons in Central America;

22/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 12A (A/44/12/Add.1), para. 28.

23/ A/44/944-S/21282, annex II.

24/ A/45/450.

25/ Official Records of the General Assembly, Forty-fifth Session, Supplements Nos. 12 and 12A (A/45/12 and Add.1).

3. Recognizes the efforts made by the affected countries to establish conditions conducive to resolving the problem of uprooted populations in the region;

4. Urges the affected countries according to their possibilities, to strengthen their efforts to deal with the problem of refugees, returnees and displaced persons and to adapt the solutions to national and regional development programmes and to action aimed, specifically, at eradicating extreme poverty;

5. Agrees further on the need for projects in favour of refugees, returnees and displaced persons to promote, inter alia:

- (a) The participation of women;
- (b) The physical and intellectual development of children;
- (c) The preservation of ethnic and cultural values;
- (d) The protection of the environment;

6. Reaffirms its conviction that the voluntary repatriation of refugees and the return of displaced persons to their countries or communities of origin is one of the most positive signs of the progress of peace in the region;

7. Expresses its conviction that the process of return to and reintegration in the countries and communities of origin should take place in conditions of dignity and security and with the necessary guarantees to ensure that the affected populations are included in the respective national development plans;

8. Reaffirms also the continuing validity of the Concerted Plan of Action as a framework for solving the problems posed in the affected countries by the massive presence of uprooted populations from the Central American region, while recognizing that this constitutes only an initial response to the many problems to which uprootedness gives rise;

9. Expresses its appreciation for the resources committed to finance the proposals submitted by the Governments of Central America, Belize and Mexico at the first international meeting of the Conference Follow-up Committee and welcomes with satisfaction the willingness expressed by the Follow-up Committee to give favourable consideration to future projects submitted by the affected countries within the Conference framework and to explore all possible sources for funding them;

10. Stresses in particular, the need to support the Office of the United Nations High Commissioner for Refugees and the United Nations Development Programme in the discharge of the special function assigned to them by the Secretary-General of the United Nations within the framework of the International Support and Verification Committee in order to provide them with the resources required for assisting the voluntary repatriation and reintegration of members of the Nicaraguan resistance and their families, as well as the Nicaraguan refugees being repatriated voluntarily;

11. Urges Member States, organs, specialized agencies and other organizations of the United Nations system, as well as regional and subregional organizations, intergovernmental and non-governmental organizations involved in humanitarian tasks in favour of the Central American refugees, returnees and displaced persons, to continue and increase their assistance and support for the responsible authorities of the affected countries in the implementation and follow-up of the guidelines, goals and objectives of the Concerted Plan of Action, and expresses its gratitude to all the national and international organizations engaged in assistance to the uprooted populations and in the development of the region;

12. Requests the Secretary-General of the United Nations, the Office of the United Nations High Commissioner for Refugees and the United Nations Development Programme to continue their support for the affected countries in the implementation of the Concerted Plan of Action, especially through the activities of the Conference Joint Support Unit;

13. Urges the responsible authorities to maintain and strengthen measures to ensure the efficient implementation of the proposed programmes;

14. Stresses the importance of strengthening and developing the follow-up and promotion mechanisms established under the Plan of Action, in particular the support groups, in order to ensure co-ordination and co-operation between all the parties involved, and calls upon the Governments of the region to take the necessary measures to facilitate this process;

15. Recognizes also the importance of the role played by non-governmental organizations, as well as that of the affected populations in identifying their needs and participating in the planning and execution of projects in co-ordination with national committees and in accordance with the Plan of Action, and urges them to continue in this humanitarian and non-political endeavour;

16. Requests the Secretary-General, in collaboration with the United Nations High Commissioner for Refugees, to submit to the General Assembly at its forty-sixth session a report on the implementation of the present resolution.



General Assembly

Distr.
GENERAL

A/45/764
11 December 1990

ORIGINAL: ENGLISH

Forty-fifth session
Agenda item 108

INTERNATIONAL ACTION TO COMBAT DRUG ABUSE AND ILLICIT TRAFFICKING

Report of the Third Committee

Rapporteur: Mr. Mario DE LEON (Philippines)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "International action to combat drug abuse and illicit trafficking" and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 28th to 34th, 43rd, 57th, 59th, 60th and 62nd meetings on 1, 2, 5, 6, 15, 29 and 30 November and 3 and 4 December 1990. An account of the Committee's discussions is contained in the relevant summary records (A/C.3/45/SR.28-34, 43, 57, 59, 60 and 62).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Economic and Social Council for the year 1990, chapter V, section D; 1/

(b) Report of the Secretary-General on the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (A/45/495);

(c) Report of the Secretary-General on action taken pursuant to General Assembly resolution 44/142 (A/45/535);

1/ To be issued as Official Records of the General Assembly, Forty-fifth Session, Supplement No. 3 (A/45/3/Rev.1).

(d) Report of the Secretary-General on the Global Programme of Action against illicit narcotic drugs (A/45/536);

(e) Report of the Secretary-General on international co-operation in drug abuse control (A/45/542);

(f) Report of the Secretary-General on enhancement of the efficiency of the United Nations structure for drug abuse control (A/45/652 and Add.1);

(g) Report of the Secretary-General on the United Nations System-Wide Action Plan on Drug Abuse Control (E/1990/39/Add.1);

(h) Letter dated 29 May 1990 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General (A/45/301);

(i) Letter dated 5 June 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Malaysia to the United Nations addressed to the Secretary-General (A/45/303);

(j) Letter dated 29 June 1990 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General (A/45/329);

(k) Letter dated 2 October 1990 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General (A/C.3/45/4);

(l) Letter dated 26 October 1990 from the Permanent Representative of Venezuela to the United Nations addressed to the Secretary-General (A/45/675).

4. At the 28th meeting, on 1 November, the Director-General of the United Nations Office at Vienna, Co-ordinator of United Nations Drug Control-related activities, made an introductory statement. The Executive Director of the United Nations Fund for Drug Abuse Control, the Director of the Division of Narcotic Drugs and the President of the International Narcotics Control Board (INCB) also made statements (see A/C.3/45/SR.28).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/45/L.38

5. At the 43rd meeting, on 15 November, the representative of Venezuela introduced a draft resolution entitled "Economic and social consequences of illicit traffic in drugs" (A/C.3/45/L.38), sponsored by Bolivia, Colombia, Cuba, Ecuador, Egypt, El Salvador, Guatemala, Malaysia, Mexico, Morocco, the Netherlands, Nicaragua, Pakistan, Paraguay, Peru, Suriname, Uruguay and Venezuela, which read as follows:

"The General Assembly,

"Recalling its resolution 44/142 of 15 December 1989, which requested the Secretary-General to undertake as soon as possible, with the assistance of a

/...

group of intergovernmental experts, a study on the economic and social consequences of illicit traffic in drugs,

"Noting with interest the report of the Secretary-General, 1/ and in particular the recommendations of the group of experts 2/ contained in the report,

"Keeping in mind the observation made by the group of experts that it is important for the United Nations to develop an integrated and unified information system facilitating creditable data and information on the chain of illicit traffic in drugs, mainly on illicit production, elaboration, processing and consumption,

"Having in mind that the group of experts convened by resolution 44/142 proposed a framework for a future in-depth study on the economic and social consequences of illicit traffic in drugs, for which reason the issue must be duly followed up,

"Keeping in mind further that the Secretary-General has taken note of the recommendations addressed to him by the group of experts, which will be considered in the context of the proposed programme of drug-control activities for the biennium 1992-1993,

"1. Takes note with interest of the recommendations by the group of experts contained in the report of the Secretary-General;

"2. Requests the Secretary-General to issue the report of the group of experts on the economic and social consequences of illicit traffic in drugs as a document of the forty-fifth session of the General Assembly;

"3. Invites the Commission on Narcotic Drugs to make observations on the recommendations contained in the report of the group of experts, in particular on the proposed framework for a future in-depth study on the economic and social consequences of illicit traffic in drugs, and to report thereon to the General Assembly at its forty-sixth session through the Economic and Social Council;

"4. Invites the Secretary-General to report to the General Assembly at its forty-sixth session on the measures to be adopted in implementation, in a timely manner, of the recommendations addressed to him by the group of experts;

"5. Requests the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution."

"1/ A/45/535.

"2/ Ibid., para. 13.

6. At the same meeting, the representative of Venezuela orally revised the draft resolution by adding at the end of operative paragraph 4 "as well as on the recommendations of the Commission on Narcotic Drugs".

7. At its 59th meeting, on 30 November, the representative of Bolivia introduced a revised draft resolution entitled "International action to combat drug abuse and illicit trafficking" (A/C.3/45/L.43/Rev.1) and indicated that the revised version of the draft resolution was the result of informal consultations held on draft resolutions A/C.3/45/L.38 and A/C.3/45/L.43.

B. Draft resolution A/C.3/45/L.39 and Rev.1

8. At the 43rd meeting, on 15 November, the representative of Venezuela introduced a draft resolution entitled "Implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances" (A/C.3/45/L.39), sponsored by Argentina, Australia, the Bahamas, Bangladesh, Barbados, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Finland, France, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Ireland, Italy, Jamaica, Luxembourg, Madagascar, Malaysia, Mexico, Morocco, the Netherlands, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, the Philippines, Poland, Portugal, Senegal, Spain, Suriname, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Vanuatu, Venezuela, Yugoslavia and Zambia. The draft resolution read as follows:

"The General Assembly,

"Recalling its resolutions 33/168 of 20 December 1978, 35/195 of 15 December 1980, 36/132 of 14 December 1981, 36/168 of 16 December 1981, 37/168 of 17 December 1982, 37/198 of 18 December 1982, 38/93 and 38/122 of 16 December 1983, 39/141 and 39/143 of 14 December 1984, 40/120, 40/121 and 40/122 of 13 December 1985, 41/125, 41/126 and 41/127 of 4 December 1986, 42/111, 42/112 and 42/113 of 7 December 1987, 43/120 of 8 December 1988 and 44/140 of 15 December 1989, as well as other relevant provisions,

"Reaffirming the importance of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 1/ for improving international co-operation in that field and, further, for strengthening the existing international instruments for the control of narcotic drugs and psychotropic substances, namely, the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol amending the Single

"1/ E/CONF.82/15 and Corr.2.

Convention on Narcotic Drugs 2/ and the Convention on Psychotropic Substances of 1971, 3/

"Welcoming with appreciation the entry into force of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 on 11 November 1990, after reaching the necessary number of ratifications and accessions,

"Expressing its satisfaction with the work thus far carried out by the Division of Narcotic Drugs in relation to the establishment of various measures to assist States to become parties to the Convention and provisionally implement its provisions, as well as the inclusion of legal and technical assistance to States to these ends in its programme of work for the biennium 1990-1991,

"Taking note of the Political Declaration and the Global Programme of Action 4/ adopted by the General Assembly at its seventeenth special session, held from 20 to 23 February 1990, as well as the London Declaration, 5/ adopted by the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat, held in London from 9 to 11 April 1990,

"Bearing in mind the Ministerial Meeting on the Consumption, Production and Traffic of Illicit Drugs, held at Ixtapa, Mexico, from 17 to 20 April 1990,

"Also taking note of the report 6/ of the Commission on Narcotic Drugs on its eleventh special session, held at Vienna from 28 January to 2 February 1990, and in particular of the measures adopted by this United Nations standard-setting body relating to the entry into force and the provisional application of the Convention,

"1. Urges States that have not yet done so to proceed as soon as possible to ratify or accede to the Convention;

"2. Also urges States to establish the necessary legislative and administrative measures so that their internal juridical regulations may be compatible with the spirit and the scope of the new Convention;

"2/ United Nations, Treaty Series, vol. 976, No. 14152.

"3/ Ibid., vol. 1019, No. 14956.

"4/ Resolution S-17/2, annex.

"5/ See A/45/262.

"6/ Official Records of the Economic and Social Council, 1990, Supplement No. 4 (E/1990/4).

"3. Invites States, to the extent that they are able to do so, to apply provisionally the measures set forth in the Convention, pending its entry into force for each of them, and, in particular, to bear in mind the advisory services available for this purpose from the Division of Narcotic Drugs;

"4. Once again urges all States that have not yet done so to ratify or accede to the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol amending the Single Convention on Narcotic Drugs of 1961, 2/ and the Convention on Psychotropic Substances of 1971; 3/

"5. Requests the Secretary-General to assign appropriate priority to providing the Division of Narcotic Drugs of the Secretariat and the secretariat of the International Narcotics Control Board with the necessary financial, technical and human resources to enable them to carry out their additional responsibilities under the Convention for the biennium 1990-1991;

"6. Once again requests the Secretary-General, within existing resources and drawing, in particular, on funds available to the Department of Public Information of the Secretariat, to provide, facilitate and encourage public information activities relating to the Convention;

"7. Requests the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution."

9. At the same meeting, the representative of Venezuela orally revised the draft resolution as follows:

(a) In the second preambular paragraph, after "the Single Convention on Narcotic Drugs of 1961", "and that Convention" was inserted and "amending the single Convention on Narcotic Drugs" was deleted;

(b) At the end of operative paragraph 1, "to make its provisions more universally effective" was added;

(c) In operative paragraph 4, after "the Single Convention on Narcotic Drugs of 1961", "and that Convention" was inserted and "amending the Single Convention on Narcotic Drugs of 1961" was deleted;

(d) At the end of operative paragraph 5, "without prejudice to the provisions of any resolution authorizing a reform of the United Nations structure for international drug abuse control" was added;

(e) In operative paragraph 7, "forty-sixth session" was replaced by "forty-seventh session".

10. Subsequently, Saint Kitts and Nevis and Turkey joined in sponsoring the draft resolution.

11. At its 59th meeting, on 30 November, the Committee had before it a revised draft resolution entitled "Implementation of the United Nations Convention against

/...

Illicit Traffic in Narcotic Drugs and Psychotropic Substances"
(A/C.3/45/L.39/Rev.1).

12. At the same meeting, the Committee adopted the revised draft resolution, without a vote (see para. 38, draft resolution I).

C. Draft resolution A/C.3/45/L.40

13. At the 43rd meeting, on 15 November, the representative of Cuba introduced a draft resolution entitled "Respect for the principles enshrined in the Charter of the United Nations and international law in the fight against drug abuse and illicit trafficking" (A/C.3/45/L.40), sponsored by Bolivia, Colombia, Cuba, Ecuador, Mexico and Peru.

14. At its 57th meeting, on 29 November, the representative of Cuba orally revised the draft resolution as follows:

(a) In operative paragraph 1, "should be based on" was replaced by "should continue to be based on",

(b) Operative paragraph 4, which read:

"Requests the Secretary-General to ensure implementation of the present resolution and report to the General Assembly thereon at its forty-sixth session",

was replaced by:

"Invites the Secretary-General to give due consideration to principles set out in the present resolution in his report to the forty-sixth session of the General Assembly;".

15. At the same meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 38, draft resolution II).

D. Draft resolution A/C.3/45/L.41

16. At the 43rd meeting, on 15 November, the representative of Austria introduced a draft resolution entitled "Implementation of the Global Programme of Action against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances" (A/C.3/45/L.41), sponsored by Australia, Austria, the Bahamas, Bangladesh, Bolivia, Canada, Chile, Colombia, Denmark, Finland, Germany, Greece, Hungary, Iceland, Iran (Islamic Republic of), Italy, Jamaica, Japan, Liechtenstein, Malaysia, Mexico, Morocco, the Netherlands, New Zealand, Norway, Pakistan, Peru, the Philippines, Spain, Suriname, Sweden, Thailand, Trinidad and Tobago, Turkey, the Ukrainian Soviet Socialist Republic, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela. Subsequently, Ireland and Samoa joined in sponsoring the draft resolution.

/...

17. At its 57th meeting, on 29 November, the Committee adopted the draft resolution without a vote (see para. 38, draft resolution III).

E. Draft resolution A/C.3/45/L.43 and Rev.1

18. At the 43rd meeting, on 15 November, the representative of Bolivia introduced a draft resolution entitled "International action to combat drug abuse and illicit trafficking" (A/C.3/45/L.43), sponsored by Algeria, Argentina, the Bahamas, Bangladesh, Belize, Bolivia, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, the Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Jamaica, Malaysia, Mexico, Morocco, Nicaragua, Pakistan, Panama, Paraguay, Peru, the Philippines, Singapore, Spain, Suriname, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, Uruguay, Venezuela and Yugoslavia. The draft resolution read as follows:

"The General Assembly,

"Deeply concerned that the illicit demand for, production of and traffic in narcotic drugs and psychotropic substances continue to pose a serious threat to all mankind, to affect adversely the socio-economic and political structures of affected societies and to endanger the stability, national security and sovereignty of States,

"Alarmed by the growing connection between drug trafficking and terrorism,

"Reaffirming the principle of shared responsibility of the international community in combating drug abuse and illicit trafficking,

"Reaffirming also the importance of international co-operation in the immediate implementation of all mandates and courses of action contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control 1/ and the Global Programme of Action, 2/

"Welcoming the work of the Intergovernmental Expert Group to Study the Economic and Social Consequences of Illicit Traffic in Drugs, convened under General Assembly resolution 44/142 of 15 December 1989, on the impact of the social and economic consequences of drug-money transfers and conversion, which have an adverse effect on national economic systems,

"1/ See Report of the International Conference on Drug Abuse and Illicit Trafficking, Vienna, 17-26 June 1987 (United Nations publication, Sales No. E.87.I.18), chap. I, sect. A.

"2/ Resolution S-17/7, annex.

"Recognizing that the Expert Group's consideration of the financial aspects of its mandate was more extensive than that on the economic and social consequences, and that these latter areas require further and more detailed analysis,

"Welcoming the efforts made by those countries that produce narcotic drugs for scientific, medicinal and therapeutic uses to prevent the channelling of such substances to illicit markets and to maintain production at a level consistent with licit demands,

"Reiterating that the transit routes used by drug traffickers change constantly and that an ever-growing number of countries in all regions of the world, and even entire regions, are particularly vulnerable to illicit transit traffic on account, inter alia, of their geographical location,

"Noting with regret that the work of the secretariat of the International Narcotics Control Board and of the Division of Narcotic Drugs of the Secretariat is impeded by lack of human and financial resources and affirming that this problem must be given due consideration in the context of the restructuring of the United Nations drug control system,

"Reiterating its condemnation of criminal activities that involve children in the use, production and illicit distribution of narcotic drugs and psychotropic substances, and appealing to the competent international agencies and the United Nations Fund for Drug Abuse Control to assign high priority to measures designed to address these problems,

"Reaffirming the declarations of the International Conference on Drug Abuse and Illicit Trafficking 3/ and the General Assembly at its seventeenth special session, 2/ the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat, held in London from 9 to 11 April 1990, 4/ and the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and Global Programme of Action, which, together with the international drug control treaties, provide a comprehensive framework for international co-operation in drug control,

"Noting that the Global Programme of Action invites the United Nations Fund for Drug Abuse Control to elaborate for consideration by States a subregional strategy covering all aspects of drug abuse control and concentrating on the most affected areas where the problems are most complex and grave,

"3/ See Report of the International Conference on Drug Abuse and Illicit Trafficking, Vienna, 17-26 June 1987 (United Nations publication, Sales No. E.87.I.18), chap. I, sect. B.

"4/ See A/45/202, annex.

"Noting with satisfaction that the regional heads of national drug law enforcement agencies and the Sub-Commission on Illicit Traffic and Related Matters in the Near and Middle East of the Commission on Narcotic Drugs are sources of very useful recommendations for action at the regional level oriented towards solving specific problems of the various regions,

"1. Strongly condemns the crime of drug trafficking in all its forms and urges continued commitment and effective international action to combat it, in keeping with the principle of shared responsibility and with full respect for national sovereignty and the cultural identity of States;

"2. Urges Governments and organizations to adhere to the principles set forth in the declarations of the International Conference on Drug Abuse and Illicit Trafficking and of the General Assembly at its seventeenth special session, and to implement the recommendations and mandates contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and in the Global Programme of Action;

"3. Also urges the immediate implementation of the mandates and recommendations established in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and the Global Programme of Action, particularly those pertaining to, inter alia, demand reduction, crop substitution, integrated rural development, expanded opportunities for trade and investment, including international co-operation to facilitate the marketing of substituted crops, interdiction, the control of precursors and essential chemicals, money-laundering and problems of licit producers;

"4. Notes with appreciation the work done by the Expert Group to Study the Economic and Social Consequences of Illicit Traffic in Drugs, and decides that the report of the Group should be circulated as a document of the General Assembly;

"5. Requests the Secretary-General to consider convening a further meeting of the Expert Group to enable it to conclude the analysis commenced under paragraphs 9 and 9 (a) of resolution 44/142 on the economic and social consequences of the illicit traffic in narcotic drugs and psychotropic substances;

"6. Invites the Commission on Narcotic Drugs to study the various recommendations and conclusions of the Expert Group, and to provide to the Group its views and additional information on the various aspects of the topic that may be pertinent for the timely and efficient accomplishment of the mandate of the Group at its next meeting;

"7. Welcomes the establishment under the Commission on Narcotic Drugs of a world-wide network of regional heads of national drug law enforcement agencies, which, together with the Sub-Commission on Illicit Traffic and Related Matters in the Near and Middle East, constitute co-operation mechanisms against illicit trafficking in narcotic drugs and psychotropic substances, and that the first regional meeting for Europe of the heads of

national drug law enforcement agencies will be convened in Moscow from 19 to 23 November 1990;

"8. Emphasizes the connection between the illicit production or supply of, demand for, sale of or traffic and transit in narcotic drugs and psychotropic substances and the economic, social and cultural conditions of the countries affected and that solutions to these problems must take into account the differences and diversity of the problem in each country;

"9. Urges the international community to provide increased international economic and technical assistance to Governments, at their request, to support crop substitution programmes through the formulation and implementation of integrated rural development programmes that respect fully the jurisdiction and sovereignty of countries and the cultural traditions of peoples;

"10. Considers that a system should be established to identify the methods and routes used for transit traffic of illicit narcotic drugs and psychotropic substances, in order to enhance the interdiction capability of States along such routes;

"11. Encourages all countries to take action to prevent the illicit arms trade by which weapons are provided to drug traffickers;

"12. Takes note of the recommendations and conclusions of the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat, 4/ and all efforts designed to reduce and prevent the illicit demand for narcotic drugs and psychotropic substances, and calls upon the United Nations and other relevant international organizations to devote greater attention to this aspect of the drug problem;

"13. Urges Member States to increase substantially their contributions to the United Nations Fund for Drug Abuse Control to enable it to expand further its programmes;

"14. Welcomes the initiatives of the United Nations Fund for Drug Abuse Control aimed at prompting and supporting subregional programmes as envisaged by the Global Programme of Action and urges the Governments concerned to increase their co-operation in support of such subregional strategies;

"15. Strongly recommends that the necessary resources from within the regular budget, as well as extrabudgetary resources, be made available for implementation of the various activities for drug abuse control, and particularly for the implementation of the mandates and courses of action contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and the Global Programme of Action;

"16. Requests the Commission on Narcotic Drugs to study the mandates and recommendations contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control, the Global Programme of Action and other relevant documents, with a view to establishing a plan of work for the first half of the United Nations Decade against Drug Abuse 1991-2000;

/...

"17. Takes note of the reports of the Secretary-General 5/ and requests him to report to the General Assembly at its forty-sixth session on the implementation of the present resolution;

"18. Decides to include in the provisional agenda of its forty-sixth session the item entitled 'International action to combat drug abuse and illicit trafficking'."

"5/ A/45/535 and A/45/542.

19. Subsequently, Saint Kitts and Nevis joined in sponsoring the draft resolution.

20. At its 59th meeting, on 30 November, the representative of Bolivia introduced a revised draft resolution entitled "International action to combat drug abuse and illicit trafficking" (A/C.3/45/L.43/Rev.1), sponsored by Algeria, Argentina, the Bahamas, Bangladesh, Belize, Bolivia, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, the Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Jamaica, Malaysia, Mexico, Morocco, Nicaragua, Pakistan, Panama, Paraguay, Peru, the Philippines, Saint Kitts and Nevis, Singapore, Spain, Suriname, Thailand, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, Uruguay, Vanuatu, Venezuela and Yugoslavia.

21. In introducing the draft resolution the representative of Bolivia indicated that the revised version of the draft resolution was the result of informal consultations held on draft resolutions A/C.3/45/L.38 and A/C.3/45/L.43.

22. Subsequently, Samoa joined in sponsoring the draft resolution.

23. At its 60th meeting, on 3 December, the Secretary of the Committee read out the following revisions to the draft resolution:

(a) In operative paragraph 3, section A, after "eradication", "and substitution" was inserted; "substituted crops" should read "substitute crops" and "illicit" should read "licit";

(b) In operative paragraph 4, "will be convened" was replaced by "was convened".

24. At the same meeting, the representatives of Bolivia and Panama made statements (see A/C.3/45/SR.60).

25. Also at the same meeting, the Committee adopted draft resolution A/C.3/45/L.43/Rev.1, as orally revised, without a vote (see para. 38, draft resolution IV).

26. After the adoption of the draft resolution, the representative of the United Kingdom of Great Britain and Northern Ireland made a statement (see A/C.3/45/SR.60).

/...

F. Draft resolution A/C.3/45/L.44 and amendments thereto contained in document A/C.3/45/L.45

27. At the 43rd meeting, on 15 November, the representative of Mexico introduced a draft resolution entitled "Enhancement of the United Nations structure for drug abuse control" (A/C.3/45/L.44), sponsored by Argentina, Australia, the Bahamas, Bangladesh, Belgium, Bolivia, Canada, Chile, Colombia, Denmark, Ecuador, El Salvador, Finland, Germany, Guatemala, Honduras, Hungary, Iceland, India, Italy, Jamaica, Luxembourg, Malaysia, Mexico, Morocco, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Peru, Singapore, Spain, Suriname, Sweden, Thailand, Turkey, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela and orally revised it as follows:

(a) In the eleventh preambular paragraph, after "the Single Convention on Narcotic Drugs of 1961", "and that Convention" was inserted;

(b) In operative paragraph 7, "thirty-fifth regular session" was replaced by "thirty-fourth regular session".

28. Subsequently, Côte d'Ivoire, Costa Rica, Czechoslovakia, the Philippines, Saint Kitts and Nevis, Samoa and Vanuatu joined in sponsoring the draft resolution.

29. The Committee had before it a statement on the programme budget implications (A/C.3/45/L.67), submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly.

30. At the same meeting, the representative of Uganda introduced amendments (A/C.3/45/L.45) to draft resolution A/C.3/45/L.44.

31. The amendments read as follows:

1. After the third preambular paragraph insert a new paragraph reading

"Also recognizing with appreciation the significant role of the United Nations regional centres in fighting against drug abuse and illicit trafficking in developing countries, particularly the least developed countries,"

2. Insert a new operative paragraph 7 reading

"7. Decides to support fully drug related activities of the United Nations African Institute for Crime Prevention and Treatment of Offenders, and in that regard requests the Secretary-General, effective January 1991, to finance the Institute directly from the regular budget;"

3. Renumber the remaining paragraphs accordingly.

32. At the same meeting, the representative of Uganda orally revised the second amendment by inserting "control" after "support fully drug".

/...

33. The Committee had before it a statement on the programme budget implications (A/C.3/45/L.68), submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly.

34. At its 62nd meeting, on 4 December, the representative of Uganda made a statement, in the course of which he withdrew the amendments contained in document A/C.3/45/L.45, in the light of the adoption of a draft decision entitled "Crime prevention and criminal justice" (A/C.3/45/L.102), submitted by the representative of Sweden under agenda item 100, "Crime prevention and criminal justice (see A/C.3/45/SR.62).

35. At the same meeting, the representative of Mexico made a statement (see A/C.3/45/SR.62).

36. Also at the same meeting, the Committee adopted the draft resolution, on the understanding that the question of illicit drug control within the United Nations would continue to be treated as a social/economic matter by the Economic and Social Council and the General Assembly (see para. 38, draft resolution V).

37. After the adoption of the draft resolution, the representative of Japan made a statement (see A/C.3/45/SR.62).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

38. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances

The General Assembly,

Recalling its resolutions 33/168 of 20 December 1978, 35/195 of 15 December 1980, 36/132 of 14 December 1981, 36/168 of 16 December 1981, 37/168 of 17 December 1982, 37/198 of 18 December 1982, 38/93 and 38/122 of 16 December 1983, 39/141 and 39/143 of 14 December 1984, 40/120, 40/121 and 40/122 of 13 December 1985, 41/125, 41/126 and 41/127 of 4 December 1986, 42/111, 42/112 and 42/113 of 7 December 1987, 43/120 of 8 December 1988 and 44/140 of 15 December 1989, as well as other relevant provisions,

Reaffirming the importance of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 2/ for improving

2/ E/CONF.82/15 and Corr.2.

international co-operation in that field and, further, for strengthening the existing international instruments for the control of narcotic drugs and psychotropic substances, namely, the Single Convention on Narcotic Drugs of 1961, and that Convention as amended by the 1972 Protocol ^{3/} and the Convention on Psychotropic Substances of 1971, ^{4/}

Welcoming with appreciation the entry into force of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 on 11 November 1990, after reaching the necessary number of ratifications and accessions,

Expressing its satisfaction with the work thus far carried out by the Division of Narcotic Drugs in relation to the establishment of various measures to assist States to become parties to the Convention and provisionally implement its provisions, as well as the inclusion of legal and technical assistance to States to these ends in its programme of work for the biennium 1990-1991,

Taking note of the Political Declaration and the Global Programme of Action ^{5/} adopted by the General Assembly at its seventeenth special session, held from 20 to 23 February 1990, as well as the London Declaration, ^{6/} adopted by the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat, held in London from 9 to 11 April 1990,

Bearing in mind the Ministerial Meeting on the Consumption, Production and Traffic of Illicit Drugs, held at Ixtapa, Mexico, from 17 to 20 April 1990,

Taking note of the report ^{7/} of the Commission on Narcotic Drugs on its eleventh special session, held at Vienna from 28 January to 2 February 1990, and in particular of the measures adopted by this United Nations standard-setting body relating to the entry into force and the provisional application of the Convention,

1. Urges States that have not yet done so to proceed as soon as possible to ratify or accede to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, in order to make its provisions more universally effective;

^{3/} United Nations, Treaty Series, vol. 976, No. 14152.

^{4/} Ibid., vol. 1019, No. 14956.

^{5/} Resolution S-17/2, annex.

^{6/} See A/45/262.

^{7/} Official Records of the Economic and Social Council, 1990, Supplement No. 4 (E/1990/4).

2. Also urges States to establish the necessary legislative and administrative measures so that their internal juridical regulations may be compatible with the spirit and the scope of the new Convention;
3. Invites States, to the extent that they are able to do so, to apply provisionally the measures set forth in the Convention, pending its entry into force for each of them, and, in particular, to bear in mind the advisory services available for this purpose from the Division of Narcotic Drugs;
4. Once again urges all States that have not yet done so to ratify or accede to the Single Convention on Narcotic Drugs of 1961, and that Convention as amended by the 1972 Protocol, 3/ and the Convention on Psychotropic Substances of 1971; 4/
5. Requests the Secretary-General to assign appropriate priority to providing the Division of Narcotic Drugs of the Secretariat and the secretariat of the International Narcotics Control Board with the necessary financial, technical and human resources to enable them to carry out their additional responsibilities under the Convention for the biennium 1990-1991 without prejudice to the provisions of any resolution authorizing a reform of the United Nations structure for international drug abuse control;
6. Once again requests the Secretary-General, within existing resources and drawing, in particular, on funds available to the Department of Public Information of the Secretariat, to provide, facilitate and encourage public information activities relating to the Convention;
7. Requests the Secretary-General to report to the General Assembly at its forty-seventh session on the implementation of the present resolution.

DRAFT RESOLUTION II

Respect for the principles enshrined in the Charter of the United Nations and international law in the fight against drug abuse and illicit trafficking

The General Assembly,

Conscious that the adoption of the Political Declaration and the Global Programme of Action 8/ at the seventeenth special session of the General Assembly, devoted to the question of international co-operation against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances, was an important step in joining the efforts of all to combat this scourge of mankind,

8/ Resolution S-17/2, annex.

Reaffirming the purpose of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace,

Convinced that an intensification of international co-operation and concerted action among States is the fundamental basis for confronting the problem of drug abuse and illicit trafficking,

Recognizing that the international fight against illicit trafficking should be pursued in full conformity with the principles enshrined in the Charter of the United Nations, and the principles of international law, particularly the sovereignty and territorial integrity of States, non-interference in the internal affairs of States, and non-use of force or threat of force in international relations,

1. Reaffirms that the fight against drug abuse and illicit trafficking should continue to be based on strict respect for the principles enshrined in the Charter of the United Nations and international law, particularly the sovereignty and territorial integrity of States, non-interference in the internal affairs of States, and non-use of force or threat of force in international relations;

2. Calls upon all States to intensify their actions to promote effective co-operation in the efforts to combat drug abuse and illicit trafficking, so as to contribute to a climate conducive to achieving this end, and to refrain from using the issue for political purposes;

3. Affirms that the international fight against drug trafficking should not in any way justify violation of the principles enshrined in the Charter of the United Nations and international law, particularly the right of all peoples freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter;

4. Invites the Secretary-General to give due consideration to principles set out in the present resolution in his report to the forty-sixth session of the General Assembly;

5. Decides to consider at its forty-sixth session regular session the question of respect for the principles enshrined in the Charter of the United Nations and international law in the fight against drug abuse and illicit trafficking, under the item entitled "International action to combat drug abuse and illicit trafficking".

DRAFT RESOLUTION III

Implementation of the Global Programme of Action against illicit
production, supply, demand, trafficking and distribution of
narcotic drugs and psychotropic substances

The General Assembly,

Recalling its resolutions 44/16 of 1 November 1989 and 44/141 of 15 December 1989, as well as Economic and Social Council resolution 1990/84 of 27 July 1990,

Fully aware that the international community is confronted with the dramatic problem of drug abuse and the illicit cultivation, production, demand, processing, distribution and trafficking of narcotic drugs and psychotropic substances and that States need to work internationally as well as individually to deal with this scourge,

Stressing the important role of the United Nations and its relevant bodies and specialized agencies in the fight against drug abuse at the national, regional and international levels,

Recalling the Political Declaration and Global Programme of Action adopted by the General Assembly at its seventeenth special session on 23 February 1990, 9/

Recognizing the continuing importance and validity of the Declaration 10/ and the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control 11/ as adopted by the International Conference on Drug Abuse and Illicit Trafficking, and the Declaration adopted at the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat, held in London from 9 to 11 April 1990, 12/

1. Reaffirms its commitment expressed in the Global Programme of Action and the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control;

9/ Resolution S-17/2, annex.

10/ See Report of the International Conference on Drug Abuse and Illicit Trafficking, Vienna, 17-26 June 1987 (United Nations publication, Sales No. E.87.I.18), chap. I, sect. B.

11/ Ibid., sect. A.

12/ See A/45/262, annex.

2. Calls upon States to take all possible steps to promote and implement on their own and in co-operation with others the mandates and recommendations contained in the Global Programme of Action with a view to translating the programme into practical action to the widest possible extent at the national, regional and international levels;

3. Requests the Commission on Narcotic Drugs and the future United Nations drug control programme to promote and continuously monitor the progress on the implementation of the Global Programme of Action;

4. Requests the Secretary-General to report annually to the General Assembly on all activities relating to the Global Programme of Action and the efforts of Governments;

5. Calls upon the United Nations and its relevant bodies and specialized agencies, other relevant intergovernmental organizations and non-governmental organizations to extend their co-operation and assistance to States in the promotion and implementation of the Global Programme of Action;

6. Requests the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution.

DRAFT RESOLUTION IV

International action to combat drug abuse and illicit trafficking

The General Assembly,

Deeply concerned that the illicit demand for, production of and traffic in narcotic drugs and psychotropic substances continue to pose a serious threat to all mankind, to affect adversely the socio-economic and political structures of affected societies and to endanger the stability, national security and sovereignty of States,

Alarmed by the growing connection between drug trafficking and terrorism,

Reaffirming the principle of shared responsibility of the international community in combating drug abuse and illicit trafficking,

Reaffirming also the importance of international co-operation in the immediate implementation of all mandates and courses of action contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control 13/ and the Global Programme of Action, 14/

13/ See Report of the International Conference on Drug Abuse and Illicit Trafficking, Vienna, 17-26 June 1987 (United Nations publication, Sales No. E.87.I.18), chap. I, sect. A.

14/ Resolution S-17/2, annex.

Noting with interest the reports of the Secretary-General, 15/

Welcoming the work of the Intergovernmental Expert Group to Study the Economic and Social Consequences of Illicit Traffic in Drugs, convened under General Assembly resolution 44/142 of 15 December 1989, on the impact of the social and economic consequences of drug-money transfers and conversion, which have an adverse effect on national economic systems,

Having in mind that the group of experts proposed a framework for a future in-depth study on the economic and social consequences of illicit traffic in drugs, for which reason the issue must be duly followed up,

Keeping in mind that the Secretary-General has taken note of the recommendations addressed to him by the group of experts, which will be considered in the context of the proposed programme of drug-control activities for the biennium 1992-1993,

Recognizing that the Expert Group's consideration of the financial aspects of its mandate was more extensive than that on the economic and social consequences, and that these latter areas require further and more detailed analysis,

Welcoming the efforts made by those countries which produce narcotic drugs for scientific, medicinal and therapeutic uses to prevent the channelling of such substances to illicit markets and to maintain production at a level consistent with licit demands,

Reiterating that the transit routes used by drug traffickers change constantly and that an ever-growing number of countries in all regions of the world, and even entire regions, are particularly vulnerable to illicit transit traffic on account, inter alia, of their geographical location,

Noting with regret that the work of the secretariat of the International Narcotics Control Board and of the Division of Narcotic Drugs of the Secretariat is impeded by lack of human and financial resources and affirming that this problem must be given due consideration in the context of the restructuring of the United Nations drug control system,

Reiterating its condemnation of criminal activities that involve children in the use, production and illicit distribution of narcotic drugs and psychotropic substances, and appealing to the competent international agencies and the United Nations Fund for Drug Abuse Control to assign high priority to measures designed to address these problems,

Reaffirming the declarations of the International Conference on Drug Abuse and Illicit Trafficking 16/ and the General Assembly at its seventeenth special session, 14/ the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat, held in London from 9 to 11 April 1990, 17/ and the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and Global Programme of Action, which, together with the international drug control treaties, provide a comprehensive framework for international co-operation in drug control,

Noting that the Global Programme of Action invites the United Nations Fund for Drug Abuse Control to elaborate for consideration by States a subregional strategy covering all aspects of drug abuse control and concentrating on the most affected areas where the problems are most complex and grave,

Noting with satisfaction that the regional heads of national drug law enforcement agencies and the Sub-Commission on Illicit Traffic and Related Matters in the Near and Middle East of the Commission on Narcotic Drugs are sources of very useful recommendations for action at the regional level oriented towards solving specific problems of the various regions,

A

International action to combat drug abuse and illicit trafficking

1. Strongly condemns the crime of drug trafficking in all its forms and urges continued commitment and effective international action to combat it, in keeping with the principle of shared responsibility and with full respect for national sovereignty and the cultural identity of States;
2. Urges Governments and organizations to adhere to the principles set forth in the declarations of the International Conference on Drug Abuse and Illicit Trafficking and of the General Assembly at its seventeenth special session, and to implement the recommendations and mandates contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and in the Global Programme of Action;
3. Also urges the immediate implementation of the mandates and recommendations established in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and the Global Programme of Action, particularly those pertaining to, inter alia, demand reduction, treatment and social rehabilitation of drug addicts, eradication and substitution of illicit crops, integrated rural development, establishment of complementary employment,

16/ See Report of the International Conference on Drug Abuse and Illicit Trafficking, Vienna, 17-26 June 1987 (United Nations publication, Sales No. E.87.I.18), chap. I, sect. B.

17/ See A/45/262, annex.

health, housing and education programmes, expanded opportunities for trade and investment, including international co-operation to facilitate the marketing of substitute crops, elimination of illicit trafficking, interdiction, supervision and control of precursors and essential chemicals, money-laundering and problems of licit producers;

4. Welcomes the establishment under the Commission on Narcotic Drugs of a world-wide network of regional heads of national drug law enforcement agencies, which, together with the Sub-Commission on Illicit Traffic and Related Matters in the Near and Middle East, constitute co-operation mechanisms against illicit trafficking in narcotic drugs and psychotropic substances, and the convening in Moscow from 19 to 23 November 1990 of the first regional meeting for Europe of the heads of national drug law enforcement agencies;

5. Emphasizes the connection between the illicit production or supply of, demand for, sale of or traffic and transit in narcotic drugs and psychotropic substances and the economic, social and cultural conditions of the countries affected and that solutions to these problems must take into account the differences and diversity of the problem in each country;

6. Calls upon the international community to provide increased international economic and technical co-operation to Governments, at their request, in support of programmes for the substitution of illicit crops by means of integrated rural development programmes that respect fully the jurisdiction and sovereignty of countries and the cultural traditions of peoples;

7. Considers that a system should be established to identify the methods and routes used for transit traffic of illicit narcotic drugs and psychotropic substances, in order to enhance the interdiction capability of States along such routes;

8. Encourages all countries to take action to prevent the illicit arms trade by which weapons are provided to drug traffickers;

9. Takes note of the recommendations and conclusions of the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat, 16/ and all efforts designed to reduce and prevent the illicit demand for narcotic drugs and psychotropic substances, and calls upon the United Nations and other relevant international organizations to devote greater attention to this aspect of the drug problem;

10. Urges Member States to increase substantially their voluntary contributions to the United Nations Fund for Drug Abuse Control to enable it to expand further its programmes;

11. Welcomes the initiatives of the United Nations Fund for Drug Abuse Control aimed at promoting and supporting subregional programmes as envisaged by the Global Programme of Action and urges the Governments concerned to increase their co-operation in support of such subregional strategies;

12. Strongly recommends that the necessary resources from within the regular budget, as well as extrabudgetary resources, be made available for implementation of the various activities for drug abuse control, and particularly for the implementation of the mandates and courses of action contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and the Global Programme of Action;

13. Requests the Commission on Narcotic Drugs to study the mandates and recommendations contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control, the Global Programme of Action and other relevant documents, with a view to establishing a timetable for their implementation in the first five years of the United Nations Decade against Drug Abuse 1991-2000.

B

Economic and social consequences of illicit traffic in drugs and psychotropic substances

1. Requests the Secretary-General to issue the report of the Expert Group to Study the Economic and Social Consequences of Illicit Traffic in Drugs as a document of the forty-fifth session of the General Assembly and to remit it to the Commission on Narcotic Drugs for consideration at its thirty-fifth session;

2. Invites the Commission on Narcotic Drugs to study the various recommendations and conclusions contained in the report of the Expert Group, in particular on the proposed framework for an in-depth study on the economic and social consequences of illicit traffic in drugs and psychotropic substances, and to report thereon to the General Assembly at its forty-sixth session through the Economic and Social Council;

3. Requests the Secretary-General, in view of the provisional and preliminary nature of the expert study on the economic and social consequences of illicit traffic in drugs and psychotropic substances, to consider the possibility of convening a meeting of an expert group to conclude the analysis commenced under the mandate contained in paragraphs 9 and 9 (a) of resolution 44/142, and to give due consideration to any recommendations made by the Commission on Narcotic Drugs;

4. Notes with interest the observation made by the Expert Group that it is important for the United Nations to develop an integrated and unified information system facilitating credible data and information on the chain of illicit traffic in drugs, mainly on illicit production, elaboration, processing and consumption;

5. Invites the Secretary-General to report to the General Assembly at its forty-sixth session on the measures to be adopted in implementation, in a timely manner, of the recommendations addressed to him by the Expert Group, as well as on the relevant recommendations made by the Commission on Narcotic Drugs;

6. Requests the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution;

/...

7. Decides to include in the provisional agenda of its forty-sixth session the item entitled "International action to combat drug abuse and illicit trafficking".

DRAFT RESOLUTION V

Enhancement of the United Nations structure for drug abuse control

The General Assembly,

Alarmed by the dramatic increase in drug abuse and illicit production and trafficking in narcotic drugs and psychotropic substances, which is threatening the health and well-being of millions of people in the majority of countries in the world,

Commending the determined efforts of Governments in the fight against drug abuse and illicit trafficking and recognizing the importance of support for such efforts by the United Nations system,

Recognizing with appreciation the significant work carried out within the United Nations system in the field of drug abuse control and the valuable knowledge, expertise and experience represented there,

Recognizing that the new dimensions taken on by the drug menace necessitates a more comprehensive and integrated approach to international drug control and a more efficient structure to ensure co-ordination, complementarity and non-duplication of activities across the United Nations system in order to use available resources in the most efficient way to enable the United Nations to play a central and greatly enhanced role in this field,

Recalling the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control, as adopted by the International Conference on Drug Abuse and Illicit Trafficking on 26 June 1987, 18/ and the Global Programme of Action adopted by the General Assembly at its seventeenth special session on 23 February 1990, 19/

Having considered the report of the Secretary-General on the enhancement of the efficiency of the United Nations structure for drug abuse control, 20/

18/ See Report of the International Conference on Drug Abuse and Illicit Trafficking, Vienna, 17-26 June 1987 (United Nations publication, Sales No. E.87.I.18), chap. I, sect. A.

19/ S-17/2, annex.

20/ A/45/652.

Recognizing with appreciation the work carried out, pursuant to paragraph 4 of General Assembly resolution 44/141 of 15 December 1989, by the Group of Experts to advise and assist the Secretary-General on the enhancement of the efficiency of the United Nations structure for drug abuse control, 21/

Recalling the need to ensure, in respect of recruitment to posts that are financed from the regular budget, the highest standards of efficiency, competence and integrity, and paying due regard to the importance of recruiting the staff on as wide a geographical basis as possible, in accordance with Article 101, paragraph 3, of the Charter of the United Nations,

Emphasizing that the problem of drug abuse and illicit trafficking has to be dealt with within the broader economic and social contexts,

Underlining the role of the Commission on Narcotic Drugs, as the principal United Nations policy-making body on drug control issues and the independent role of the International Narcotics Control Board,

Underlining also the importance of the Single Convention on Narcotic Drugs of 1961, and that Convention as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs of 1961, 22/ the Convention on Psychotropic Substances of 1971 23/ and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, 24/

1. Takes note with appreciation of the report of the Secretary-General on the enhancement of the efficiency of the United Nations structure for drug abuse control 20/ and the report attached thereto of the Group of Experts, entitled "Drugs and the United Nations: meeting the challenge"; 21/

2. Welcomes the proposal of the Secretary-General to unify the United Nations structure for drug abuse control to enable the United Nations to strengthen its role as the main focus for concerted international actions for drug abuse control;

3. Requests the Secretary-General to create a single drug control programme, to be called the United Nations International Drug Control Programme, based at Vienna, and to integrate fully therein the structures and the functions of the Division of Narcotic Drugs of the Secretariat, the secretariat of the International Narcotics Control Board and the United Nations Fund for Drug Abuse Control with the objective of enhancing the effectiveness and efficiency of the United Nations

21/ A/45/652/Add.1, annex.

22/ United Nations, Treaty Series, vol. 976, No. 14152.

23/ Ibid., vol. 1019, No. 14956.

24/ E/CONF.82/15 and Corr.2.

structure for drug abuse control in keeping with the functions and mandates of the United Nations in this field;

4. Invites the Secretary-General to take the necessary steps in order to appoint a senior official at the level of Under-Secretary-General, who will execute the integration process and head the new integrated Programme starting from 1 January 1991 with the exclusive responsibility for co-ordinating and providing effective leadership for all United Nations drug control activities, in order to ensure coherence of actions within the Programme as well as co-ordination, complementarity and non-duplication of such activities across the United Nations system;

5. Also invites the Secretary-General to structure the United Nations International Drug Control Programme along the following lines:

(a) Treaty implementation, which would integrate, with due consideration to treaty arrangements, the functions of the secretariat of the International Narcotics Control Board and the treaty implementation functions of the Division of Narcotic Drugs, taking into account the independent role of the Board;

(b) Policy implementation and research, with responsibility for implementing policy decisions of the relevant legislative bodies and conducting analytical work;

(c) Operational activities, with responsibility for co-ordinating and carrying out the technical co-operation projects currently being executed mainly by the United Nations Fund for Drug Abuse Control, the Division of Narcotic Drugs and the secretariat of the International Narcotics Control Board;

6. Endorses the proposal of the Secretary-General to place the financial resources of the existing United Nations Fund for Drug Abuse Control under the direct responsibility of the head of the United Nations International Drug Control Programme as a fund for financing operational activities, mainly in developing countries;

7. Requests the Commission on Narcotic Drugs, at its thirty-fourth regular session, to consider ways and means of improving its functioning as a policy-making body and to report its recommendations to the Economic and Social Council at its first regular session of 1991;

8. Requests the Secretary-General to transmit his report and its addendum 25/ to the Commission on Narcotic Drugs at its thirty-fifth regular session so that it can be taken into account when the Commission discusses ways and means of improving its functioning;

9. Requests the Economic and Social Council, as a matter of urgency at its first regular session of 1991, giving due consideration to the recommendations of the Commission on Narcotic Drugs, to undertake a review of, and decide on the appropriate changes needed to improve the functioning of, the Commission on Narcotic Drugs;

10. Requests the Secretary-General to review the United Nations System-Wide Action Plan on Drug Abuse Control, as revised, 26/ including all mandates and recommendations established by the Global Programme of Action in the light of structural changes decided in the present resolution;

11. Underlines that the United Nations International Drug Control Programme should give priority to the implementation of the recommendations contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control as adopted by the International Conference on Drug Abuse and Illicit Trafficking, as well as the mandates and recommendations in the Global Programme of Action, as adopted by the General Assembly at its seventeenth special session;

12. Requests that the appropriation within the regular budget of the United Nations currently allocated to the secretariat of the International Narcotics Control Board and the Division of Narcotic Drugs be reallocated to the United Nations International Drug Control Programme in accordance with the Regulations and Rules governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation, and invites the Secretary-General to ensure that adequate financial and other resources are allocated to the Programme to enable it to discharge its functions effectively;

13. Decides that the operational programme and related support costs currently financed from voluntary contributions shall upon the establishment of the United Nations International Drug Control Programme, continue to be borne from voluntary contributions;

14. Requests the Secretary-General to submit to the General Assembly at its forty-sixth session a report on the measures taken to implement the present resolution.



General Assembly

Distr.
GENERAL

A/45/765
10 December 1990

ORIGINAL: ENGLISH

Forty-fifth session
Agenda item 109

TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Report of the Third Committee

Rapporteur: Mr. Mario DE LEON (Philippines)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "Torture and other cruel, inhuman or degrading treatment or punishment" and to allocate it to the Third Committee.

2. The Third Committee considered this item jointly with items 82, 93, 97, 105, 106, and 110 at its 35th to 42nd, 49th, 51st, 55th, 57th, 59th, 61st and 62nd meetings, on 7 to 9, 12 to 14, 21, 23 and 28 to 30 November, and 3 and 4 December 1990. An account of the Committee's general discussion of the item is contained in the relevant summary records (A/C.3/45/SR.35-42).

3. For its consideration of the item, the Committee had before it the following documentation:

(a) Report of the Committee against Torture; 1/

(b) Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/45/405);

(c) Report of the Secretary-General on torture and inhuman treatment of children in detention in South Africa (A/45/615);

1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 44 (A/45/44 and Corr.1).

(d) Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/45/633);

(e) Letter dated 2 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/189-S/21225);

(f) Letter dated 6 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/205-S/21236);

(g) Letter dated 9 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/207-S/21238);

(h) Letter dated 12 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/216-S/21248);

(i) Letter dated 19 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/225-S/21256);

(j) Letter dated 20 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/227-S/21260);

(k) Letter dated 23 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/230-S/21268);

(l) Letter dated 24 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/254-S/21271);

(m) Letter dated 1 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/264-S/21283);

(n) Letter dated 3 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/266-S/21285);

(o) Letter dated 16 May 1990 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General (A/45/280).

4. At the 35th meeting, on 7 November, the Director of the Implementation of International Instruments and Procedures Branch of the Centre for Human Rights made an introductory statement on the item (see A/C.3/45/SR.35).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/45/L.49

5. At the 49th meeting, on 21 November, the representative of the Netherlands, on behalf of Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Cyprus, Denmark, Ecuador, El Salvador, Finland, France, Germany, Greece, Guinea, Hungary, Italy, Luxembourg, Mexico, the Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Portugal, Romania, Senegal, Spain, Sweden, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela, introduced a draft resolution (A/C.3/45/L.49), entitled "Report of the Committee against Torture and status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment".

6. At the 55th meeting, on 28 November, the Committee adopted the draft resolution without a vote (see para. 12, draft resolution I).

B. Draft resolution A/C.3/45/L.52

7. At the 49th meeting, on 21 November, the representative of Iceland, on behalf of Argentina, Australia, Austria, Brazil, Canada, Chile, Colombia, Denmark, Finland, France, Germany, Greece, Haiti, Hungary, Iceland, Ireland, Kenya, the Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Senegal, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution (A/C.3/45/L.52), entitled "United Nations Voluntary Fund for Victims of Torture".

8. At the 55th meeting, on 28 November, the Committee adopted the draft resolution without a vote (see para. 12 below, draft resolution II).

C. Draft resolution A/C.3/45/L.54

9. At the 49th meeting, on 21 November, the representative of Zambia, on behalf of Afghanistan, Algeria, Angola, Botswana, Burkina Faso, the Congo, Costa Rica, Cuba, Egypt, Ethiopia, Guatemala, Guinea, the Libyan Arab Jamahiriya, Mali, Mongolia, Morocco, Namibia, Nigeria, Somalia, the Sudan, Tunisia, Uganda, the United Republic of Tanzania, Zaire, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/45/L.54), entitled "Torture and inhuman treatment of children in detention in South Africa". Subsequently, Burundi and Niger joined in sponsoring the draft resolution.

10. At the 55th meeting, on 28 November, the Committee adopted the draft resolution without a vote (see para. 12 below, draft resolution III).

11. After the adoption of the draft resolution, statements were made by the representatives of Italy (on behalf of the States Members of the United Nations that are members of the European Community), the United States of America and Sweden (on behalf of Denmark, Finland, Iceland, Norway and Sweden).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

12. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Report of the Committee against Torture and status of the
Convention against Torture and Other Cruel, Inhuman or
Degrading Treatment or Punishment

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights 2/ and article 7 of the International Covenant on Civil and Political Rights, 3/ both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Recalling further its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing, ratifying and acceding to the Convention as a matter of priority, as well as its subsequent resolutions on the status of the convention, most recently its resolution 44/144 of 15 December 1989, as well as the Commission on Human Rights resolutions on the subject, most recently resolution 1990/28 of 2 March 1990, 4/

Mindful of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Code of Conduct for Law Enforcement Officials 5/ and of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, 6/

2/ Resolution 217 A (III).

3/ See resolution 2200 A (XXI), annex.

4/ See Official Records of the Economic and Social Council, 1990, Supplement No. 2 (E/1990/22), chap. II, sect. A.

5/ See resolution 34/169, annex.

6/ See resolution 37/194, annex.

Recalling the adoption of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 7/

Seriously concerned about the alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Determined to promote the full implementation of the prohibition, under international and national law, of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Recalling the decision of the Commission on Human Rights, in its resolution 1990/34 of 2 March 1990 4/ to extend for two years the mandate of the Special Rapporteur to examine questions relevant to torture,

1. Welcomes the report of the Committee against Torture; 8/
2. Takes note of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 9/
3. Stresses the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee against Torture, thus enabling it to carry out in an effective and efficient manner all the functions entrusted to it under the Convention, so as to ensure the long-term viability of the Committee as an essential mechanism for overseeing the effective implementation of the provisions of the Convention;
4. Welcomes the attention that the Committee against Torture has given to the development of an effective reporting system on implementation by States parties to the Convention, and especially its revision of its general guidelines for the submission of initial reports by States parties;
5. Welcomes also the continuing close contacts and exchange of information, reports and documents between the Committee against Torture and the Special Rapporteur of the Commission on Human Rights on questions relating to torture;
6. Requests the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture;

7/ See resolution 43/173, annex.

8/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 44 (A/45/44 and Corr.1).

9/ A/45/405.

7. Reiterates its request to all States to become parties to the Convention as a matter of priority;

8. Once again invites all States, upon ratification of or accession to the Convention, or subsequently, to consider the possibility of making the declarations provided for in articles 21 and 22 of the Convention;

9. Requests the Secretary-General to submit to the Commission on Human Rights at its forty-seventh session and to the General Assembly at its forty-sixth session a report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

10. Decides to consider the report of the Secretary-General at its forty-sixth session under the item entitled "Torture and other cruel, inhuman or degrading treatment or punishment".

DRAFT RESOLUTION II

United Nations Voluntary Fund for Victims of Torture

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights, 10/ which states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 11/

Recalling with satisfaction the entry into force on 26 June 1987 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 12/

Recalling its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims of torture in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Alarmed at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment,

10/ Resolution 217 A (III).

11/ Resolution 3452 (XXX), annex.

12/ Resolution 39/46, annex.

Convinced that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to the victims and members of their families,

Taking note of the report of the Secretary-General, 13/

1. Expresses its gratitude and appreciation to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;
2. Calls upon all Governments, organizations and individuals in a position to do so to respond favourably to requests for initial as well as further contributions to the Fund;
3. Invites Governments to make contributions to the Fund, preferably on a regular basis, in order to enable the Fund to provide continuous support to projects that depend on recurrent grants;
4. Expresses its appreciation to the Governments that pledged a contribution to the Fund at the 1990 United Nations Pledging Conference for Development Activities;
5. Requests the Secretary-General to continue to include the Voluntary Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;
6. Expresses its appreciation to the Board of Trustees of the Fund for the work it has carried out;
7. Also expresses its appreciation to the Secretary-General for the support given to the Board of Trustees of the Fund by carrying out its decisions on an increasing number of projects;
8. Requests the Secretary-General to make use of all existing possibilities, including the preparation, production and dissemination of information materials, to assist the Board of Trustees of the Fund in its efforts to make the Fund and its humanitarian work better known and in its appeal for contributions.

DRAFT RESOLUTION III

Torture and inhuman treatment of children in detention
in South Africa

The General Assembly,

Recalling its resolution 44/143 of 15 December 1989, and taking note of Commission on Human Rights resolution 1990/11 of 23 February 1990, 14/

Recalling also the relevant provisions of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 15/ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 16/ and the Declaration on the Rights of the Child, 17/

Welcoming the entry into force of the Convention on the Rights of the Child 18/ and the results of the World Summit for Children, in particular the adoption of the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, 19/

Taking note of the report of the Secretary-General 20/ and in particular the condemnation expressed therein by the Ad Hoc Working Group of Experts of the Commission on Human Rights with regard to the lack of government concern for the violation of the human rights of the children of South Africa in matters of freedom of movement and the right to education and health, 21/

1. Expresses its profound outrage at evidence of detention, torture and inhuman treatment of children in South Africa;

14/ Official Records of the Economic and Social Council, 1990, Supplement No. 2 (E/1990/22), chap. II, sect. A.

15/ Resolution 3452 (XXX), annex.

16/ Resolution 39/46, annex.

17/ Resolution 1386 (XIV).

18/ Resolution 44/25, annex.

19/ A/45/625, annex.

20/ A/45/615.

21/ Ibid., para. 8 (para. 229 of the quoted text).

2. Vigorously condemns the apartheid racist régime for the continued detention, torture and inhuman treatment of children in South Africa;

3. Reiterates its demand for the immediate and unconditional release of all children held in detention by the apartheid régime in South Africa;

4. Reiterates its appeal to all relevant United Nations bodies, specialized agencies and non-governmental organizations to intensify the world-wide campaign aimed at drawing attention to, monitoring and exposing these inhuman practices;

5. Requests the Commission on Human Rights to continue to pay special attention to the question of detention, torture and other inhuman treatment of children in South Africa;

6. Requests the Secretary-General to submit a report to the General Assembly at its forty-sixth session on the implementation of the present resolution;

7. Decides to consider this question at its forty-sixth session under the item entitled "Torture and other cruel, inhuman or degrading treatment or punishment".



General Assembly

Distr.
GENERAL

A/45/766
12 December 1990

ORIGINAL: ENGLISH

Forty-fifth session
Agenda item 110

ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND
GENUINE ELECTIONS

Report of the Third Committee

Rapporteur: Mr. Mario DE LEON (Philippines)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "Enhancing the effectiveness of the principle of periodic and genuine elections" and to allocate it to the Third Committee.

2. The Third Committee considered this item jointly with items 89, 93, 97, 105, 106 and 109 at its 35th to 42nd, 49th, 51st, 55th, 57th, 59th, 61st and 62nd meetings, on 7 to 9, 12 to 14, 21, 23 and 28 to 30 November, and 3 and 4 December 1990. An account of the Committee's general discussion of the item is contained in the relevant summary records (A/C.3/45/SR.35-42).

3. For its consideration of the item, the Committee had before it the following documentation:

(a) Letter dated 4 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/202-S/21230);

(b) Letter dated 5 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/203-S/21231);

(c) Letter dated 6 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/205-S/21236);

(d) Letter dated 9 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/207-S/21238);

(e) Letter dated 19 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/225-S/21256);

(f) Letter dated 20 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/227-S/21260);

(g) Letter dated 23 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/230-S/21268);

(h) Letter dated 24 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/254-S/21271);

(i) Letter dated 1 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/264-S/21283);

(j) Letter dated 2 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/265-S/21284);

(k) Letter dated 3 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/266-S/21285);

(l) Letter dated 4 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/267-S/21287);

(m) Letter dated 7 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/269-S/21288);

(n) Letter dated 8 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/270-S/21290);

(o) Letter dated 9 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/272-S/21293);

(p) Letter dated 16 May 1990 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General (A/45/280 and Corr.1);

(q) Letter dated 10 October 1990 from the Head of the Delegation of the Union of Soviet Socialist Republics to the forty-fifth session of the General Assembly addressed to the Secretary-General (A/45/626-S/21869).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/45/L.56

4. At the 49th meeting, on 21 November, the representative of the United States of America, on behalf of Belgium, Bulgaria, Canada, Czechoslovakia, El Salvador, France, Germany, Haiti, Honduras, Hungary, Italy, Japan, Luxembourg, Malta, Poland, Portugal, Romania, Turkey, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zaire, introduced a draft resolution (A/C.3/45/L.56) entitled "Enhancing the effectiveness of the principle of periodic and genuine elections". Subsequently, Australia and Saint Kitts and Nevis joined in sponsoring the draft resolution.

5. At the 55th meeting, on 23 November, the representative of Cuba, on behalf of Cuba and the United Republic of Tanzania, and subsequently joined by Lesotho, Zambia and Zimbabwe, introduced the following amendments (A/C.3/45/L.96) to the draft resolution contained in document A/C.3/45/L.56:

"1. Delete the second to fifth preambular paragraphs and replace them by the following:

"Reaffirming the Universal Declaration of Human Rights, 1/ which provides that everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives, that everyone has the right of equal access to public service in his or her country, that the will of the people shall be the basis of the authority of government, and that this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures,

"Noting that the International Covenant on Civil and Political Rights 2/ provides that every citizen shall have the right and the opportunity, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, to take part in the conduct of public affairs, directly or through freely chosen representatives, to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors, and to have access, on general terms of equality, to public service in his or her country,

"1/ Resolution 217 A (III).

"2/ See resolution 2200 A (XXI), annex.

"Condemning the system of apartheid and any other denial or abridgement of the right to vote on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

"Considering that the tricameral parliament established under the system of apartheid is a gross violation of the principle of universal and equal suffrage and has been overwhelmingly rejected by the international community,

"Recalling that all States enjoy sovereign equality and that each State has the right freely to choose and develop its political, social, economic and cultural systems,

"Recognizing that there is no single political system or electoral method that is equally suited to all nations and their people,

"Recalling its resolutions 43/157 of 8 December 1988 and 44/146 of 15 December 1989,";

"2. Delete operative paragraphs 1 to 4 and replace them by the following:

"1. Underscores the significance of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which establish that the authority to govern shall be based on the will of the people, as expressed in periodic and genuine elections;

"2. Stresses its conviction that periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience, the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms, embracing political, economic, social and cultural rights;

"3. Declares that determining the will of the people requires an electoral process that provides an equal opportunity for all citizens to become candidates and put forward their political views, individually and in co-operation with others within the constitution and national legislation;

"4. Recognizes that the efforts of the international community to enhance the effectiveness of the principle of periodic and genuine elections should not call into question each State's sovereign right freely to choose and develop its political, social, economic and cultural systems, whether or not they conform to the preferences of other States;

"5. Underscores the duty of each member of the international community to respect the decisions taken by other States in freely choosing and developing their electoral institutions;

"6. Reaffirms that apartheid must be abolished, that the systematic denial or abridgement of the right to vote on the grounds of race or colour is a gross violation of human rights and an affront to the conscience and dignity of mankind, and that the right to participate in a political system based on common and equal citizenship and universal franchise is essential for the exercise of the principle of periodic and genuine elections;

"7. Rejects the tricameral parliament established under the system of apartheid as an abhorrent expression of a fundamentally oppressive and flagrantly inhuman political system;

"8. Calls upon the Commission on Human Rights, at its forty-seventh session, to continue its consideration of appropriate ways and means of enhancing the effectiveness of the principle of periodic and genuine elections, in the context of full respect for the sovereignty of Member States, and to report to the General Assembly at its forty-sixth session, through the Economic and Social Council;"

"3. Renumber former operative paragraph 5 as paragraph 9."

6. At the 59th meeting, on 30 November, the representative of the United States of America introduced the following amendments (A/C.3/45/L.99) to the amendments proposed in document A/C.3/45/L.96:

(a) Insert a new preambular paragraph between the sixth and seventh preambular paragraphs proposed in document A/C.3/45/L.96:

"Taking note of the Secretary-General's observations concerning United Nations support for elections in Member States, as presented in his report on the work of the organization, 3/;

"3/ A/45/L."

(b) Add the words "as well as Commission on Human Rights resolution 1989/51 of 7 March 1989" at the end of the last preambular paragraph proposed in document A/C.3/45/L.96;

(c) Replace the words "Delete operative paragraphs 1 to 4" in the second amendment proposed in document A/C.3/45/L.96 by the words "Insert the following operative paragraphs:";

(d) Replace the words "within the constitution and national legislation" in operative paragraph 3 proposed in document A/C.3/45/L.96 by the words "as provided in national constitutions and laws";

(e) Delete operative paragraph 8 of A/C.3/45/L.96;

(f) Replace the words "Renumber former operative paragraph 5 as paragraph 9", as proposed in the third amendment of document A/C.3/45/L.96, by the words "Renumber former operative paragraphs 1 to 5 as paragraphs 8 to 12";

(g) Add a new fourth amendment to document A/C.3/45/L.96, in which the word "needs" in operative paragraph 9 (former operative paragraph 2 of A/C.3/45/L.56) would be replaced by the word "requests".

7. At the 61st meeting, on 3 December, before action was taken on draft resolution A/C.3/45/L.56 and the amendments thereto (A/C.3/45/L.96) and the amendments to A/C.3/45/L.96 (A/C.3/45/L.99), statements in explanation of vote, before the vote, were made by the representatives of Colombia, Italy, Poland, Peru, Ecuador, China, Mexico, the Union of Soviet Socialist Republics, Cuba, Zimbabwe and Germany.

8. The Committee then proceeded to take action on the draft proposals as follows:

(a) The amendments in document A/C.3/45/L.99 were adopted by a recorded vote of 82 to 18, with 18 abstentions. The voting was as follows: 1/

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chile, Congo, Costa Rica, Côte d'Ivoire, Czechoslovakia, Denmark, Dominican Republic, Egypt, El Salvador, Fiji, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kuwait, Liechtenstein, Luxembourg, Malaysia, Maldives, Malta, Mauritania, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Samoa, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Suriname, Sweden, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia, Zaire.

Against: Angola, Burkina Faso, Burundi, China, Cuba, Ghana, Iran (Islamic Republic of), Lesotho, Mali, Mongolia, Myanmar, Nigeria, Sudan, Swaziland, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.

Abstentions: Bhutan, Cameroon, Colombia, Cyprus, Ecuador, Ethiopia, Gabon, India, Iraq, Jordan, Kenya, Lebanon, Liberia, Mexico, Niger, Peru, Viet Nam, Yemen.

1/ The representatives of Sierra Leone and Lebanon stated that they had made an error in their vote on the amendments in A/C.3/45/L.99: Sierra Leone had voted in favour, but had intended to abstain; Lebanon had abstained, but had intended to vote in favour.

(b) The amendments in document A/C.3/45/L.96, as amended, were adopted by a recorded vote of 120 votes to none, with nine abstentions. Statements were made before the vote by the representatives of Cuba and the United Kingdom of Great Britain and Northern Ireland. The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Chile, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mongolia, Morocco, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstentions: China, Colombia, Ecuador, Gabon, India, Liberia, Mexico, Nigeria, Peru.

9. The Committee then proceeded to vote on draft resolution A/C.3/45/L.56 as amended, as a whole, as follows:

(a) In a separate recorded vote, the new eighth preambular paragraph was adopted by 96 votes to 11, with 12 abstentions;

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Germany, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, Liechtenstein, Luxembourg, Malaysia, Maldives, Malta, Mauritania, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Panama, Papua New Guinea,

/...

Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire.

Against: Angola, Burkina Faso, China, Congo, Cuba, Mali, Myanmar, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.

Abstentions: Cameroon, Colombia, Ecuador, Gabon, Ghana, India, Mexico, Mongolia, Niger, Nigeria, Peru, Swaziland.

(b) In a separate recorded vote, new operative paragraph 10 (operative paragraph 3 of A/C.3/45/L.56), was adopted by 85 votes to 12, with 15 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chile, Costa Rica, Cyprus, Czechoslovakia, Denmark, Dominican Republic, El Salvador, Fiji, Finland, France, Germany, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kuwait, Lesotho, Liechtenstein, Luxembourg, Malaysia, Maldives, Malta, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Samoa, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Suriname, Sweden, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia, Zaire.

Against: Angola, Burkina Faso, China, Colombia, Congo, Cuba, Iran (Islamic Republic of), Mali, Myanmar, United Republic of Tanzania, Zambia, Zimbabwe.

Abstentions: Algeria, Cameroon, Ecuador, Ethiopia, Gabon, Ghana, India, Mexico, Mongolia, Niger, Nigeria, Peru, Sudan, Swaziland, Uganda.

(c) In a separate recorded vote, new operative paragraph 11 (operative paragraph 4 of A/C.3/45/L.56) was adopted by 88 votes to 12, with 14 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chile, Congo, Costa Rica, Cyprus, Czechoslovakia, Denmark, Dominican Republic, El Salvador, Fiji, Finland, France, Germany, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kuwait, Lesotho, Liechtenstein, Luxembourg, Malaysia, Maldives, Malta, Mauritania, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Samoa, Senegal, Singapore, Spain, Sri Lanka, Suriname, Sweden, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire.

Against: Angola, Burkina Faso, China, Colombia, Cuba, Iran (Islamic Republic of), Mali, Myanmar, Sudan, United Republic of Tanzania, Zambia, Zimbabwe.

Abstentions: Cameroon, Ecuador, Ethiopia, Gabon, Ghana, India, Iraq, Mexico, Mongolia, Niger, Nigeria, Peru, Swaziland, Uganda.

(d) Draft resolution A/C.3/45/L.56 as a whole, as amended, was adopted by a recorded vote of 106 votes to 9, with 12 abstentions (see para. 21 below, draft resolution I). The voting was as follows: 2/

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, Liechtenstein, Luxembourg, Malawi, Malaysia, Maldives, Malta, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain,

2/ The representatives of Mauritania and the Congo stated that they had made an error in their vote on draft resolution A/C.3/45/L.56 as a whole, as amended: Mauritania had voted against it, but had intended to vote in favour; the Congo had abstained but had intended to vote in favour.

Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe.

Against: Angola, Burkina Faso, China, Cuba, Iran (Islamic Republic of), Mali, Mauritania, Mongolia, Myanmar.

Abstentions: Burundi, Cameroon, Colombia, Congo, Ecuador, Gabon, Ghana, India, Mexico, Niger, Peru, Uganda.

10. At the 62nd meeting, on 4 December, statements in explanation of vote, after the vote, on draft resolution A/C.3/45/L.56 as a whole, as amended, were made by the representatives of India, Panama, Nicaragua, Pakistan, Bolivia and Brazil.

11. At the same meeting, with respect to voting on the amendments contained in documents A/C.3/45/L.99 and A/C.3/45/L.96 as amended, the Chairman informed the Committee that votes were cast on behalf of a Member State that had been included by the Secretary-General in the list of those Member States which were in arrears in accordance with Article 19 of the Charter of the United Nations in the payment of their financial contributions to the Organization. 3/ Such Member States had, pursuant to Article 19, no vote in the General Assembly. Accordingly, the votes cast by the Member State concerned should not have been recorded. The Chairman further stated that the technical error did not affect the results of the votes which remained valid and stood as announced.

B. Draft resolution A/C.3/45/L.58

12. At the 49th meeting, on 21 November, the representative of Sweden, on behalf of Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, Poland, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution (A/C.3/45/L.58) entitled "Respect for the will of the people of Myanmar". Subsequently, Panama joined in sponsoring the draft resolution, which read as follows:

3/ A/45/515 and Add.1-3.

"The General Assembly,

"Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 1/ and the International Covenants on Human Rights, 2/

"Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

"Noting that the Universal Declaration of Human Rights provides that everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives, that the will of the people shall be the basis of the authority of government and that this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures,

"Noting also that elections were held on 27 May 1990 in Myanmar,

"Regretting that the new national assembly reflecting the results of these elections has not been convened and that a number of politically active persons have been detained,

"1. Expresses its concern that the will of the people of Myanmar, as manifested in the elections held on 27 May 1990, has not been implemented;

"2. Stresses its conviction in this context that all citizens detained with respect to their political activities ought to be released immediately and restored to the full enjoyment of their right to participate in the government of their country;

"3. Requests the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution in all its aspects.

"1/ Resolution 217 A (III).

"2/ See resolution 2200 A (XXI), annex."

13. At the 57th meeting, on 29 November, after a statement by the representative of Myanmar, the representative of Japan orally proposed that draft resolution A/C.3/45/L.58 be deferred for consideration by the General Assembly at its forty-sixth session.

14. At the same meeting, the Committee adopted the draft decision orally proposed by the representative of Japan (see para. 22 below).

15. After the adoption of the draft decision, the representative of Sweden made a statement.

C. Draft resolution A/C.3/45/L.59

16. At the 49th meeting, on 21 November, the representative of Cuba, on behalf of Afghanistan, China, Cuba, the Libyan Arab Jamahiriya, the United Republic of Tanzania, Yemen, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/45/L.59) entitled "Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes". Subsequently, Angola joined in sponsoring the draft resolution.

17. At the 62nd meeting, on 4 December, the representative of Cuba orally revised the draft resolution by adding a final preambular paragraph to read as follows:

"Recalling its resolution 44/147 of 15 December 1989,".

18. At the same meeting, statements before the vote were made by the representatives of Italy (on behalf of the States Members of the United Nations that are members of the European Community) and Panama.

19. Also at the same meeting, the Committee adopted draft resolution A/C.3/45/L.59, as orally revised, by a recorded vote of 94 votes to 32, with 7 abstentions (see para. 21, draft resolution II). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Côte d'Ivoire, Cuba, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against:

Australia, Austria, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Romania, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

/...

Abstentions: Byelorussian Soviet Socialist Republic, Cyprus, El Salvador, Malta, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Zaire.

20. After the adoption of the draft resolution, the representative of El Salvador made a statement.

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

21. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Enhancing the effectiveness of the principle of periodic and genuine elections

The General Assembly,

Aware of its obligations under the Charter of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to promote and encourage respect for human rights and fundamental freedoms for all,

Reaffirming the Universal Declaration of Human Rights, 4/ which provides that everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives, that everyone has the right of equal access to public service in his or her country, that the will of the people shall be the basis of the authority of government, and that this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures,

Noting that the International Covenant on Civil and Political Rights 5/ provides that every citizen shall have the right and the opportunity, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, to take part in the conduct of public affairs, directly or through freely chosen representatives, to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors, and to have access, on general terms of equality, to public service in his or her country,

4/ Resolution 217 A (III).

5/ See resolution 2200 A (XXI), annex.

Condemning the system of apartheid and any other denial or abridgement of the right to vote on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Considering that the tricameral parliament established under the system of apartheid is a gross violation of the principle of universal and equal suffrage and has been overwhelmingly rejected by the international community,

Recalling that all States enjoy sovereign equality and that each State has the right freely to choose and develop its political, social, economic and cultural systems,

Recognizing that there is no single political system or electoral method that is equally suited to all nations and their people,

Taking note of the Secretary-General's observations concerning United Nations support for elections in Member States, as presented in his report on the work of the Organization, 6/

Recalling its resolutions 43/157 of 8 December 1988 and 44/146 of 15 December 1989, as well as Commission on Human Rights resolution 1989/51 of 7 March 1989,

1. Underscores the significance of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which establish that the authority to govern shall be based on the will of the people, as expressed in periodic and genuine elections;
2. Stresses its conviction that periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience, the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms, embracing political, economic, social and cultural rights;
3. Declares that determining the will of the people requires an electoral process that provides an equal opportunity for all citizens to become candidates and put forward their political views, individually and in co-operation with others, as provided in national constitutions and laws;
4. Recognizes that the efforts of the international community to enhance the effectiveness of the principle of periodic and genuine elections should not call into question each State's sovereign right freely to choose and develop its political, social, economic and cultural systems, whether or not they conform to the preferences of other States;

5. Underscores the duty of each member of the international community to respect the decisions taken by other States in freely choosing and developing their electoral institutions;

6. Reaffirms that apartheid must be abolished, that the systematic denial or abridgement of the right to vote on the grounds of race or colour is a gross violation of human rights and an affront to the conscience and dignity of mankind, and that the right to participate in a political system based on common and equal citizenship and universal franchise is essential for the exercise of the principle of periodic and genuine elections;

7. Rejects the tricameral parliament established under the system of apartheid as an abhorrent expression of a fundamentally oppressive and flagrantly inhuman political system;

8. Affirms the value of the electoral assistance that the United Nations has provided at the request of Member States, in the context of full respect for their sovereignty;

9. Believes that the international community should continue to give serious consideration to ways in which the United Nations can respond to the requests of Member States as they seek to promote and strengthen their electoral institutions and procedures;

10. Requests the Secretary-General to seek the views of Member States, specialized agencies, other competent bodies of the United Nations system and those with specific expertise in this area concerning suitable approaches that will permit the Organization to respond to the requests of Member States for electoral assistance;

11. Requests the Secretary-General to report his findings to the General Assembly at its forty-sixth session, together with an account of United Nations experience in election monitoring, within existing resources;

12. Decides to include in the provisional agenda of its forty-sixth session the item entitled "Enhancing the effectiveness of the principle of periodic and genuine elections".

DRAFT RESOLUTION II

Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes

The General Assembly,

Reaffirming the purposes of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace,

/...

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Also recalling its resolution 2625 (XXV) of 24 October 1970, by which it approved the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Further recalling the principle enshrined in Article 2, paragraph 7, of the Charter of the United Nations, which establishes that nothing contained in the Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the Charter,

Reaffirming the legitimacy of the struggle of the oppressed people of South Africa for the elimination of apartheid and for the establishment of a society in which all the people of South Africa as a whole, irrespective of race, colour or creed, will enjoy equal and full political and other rights and participate freely in the determination of their destiny,

Also reaffirming the legitimacy of the struggle of all peoples under colonial and foreign domination, particularly the Palestinian people, for the exercise of their inalienable right to self-determination and national independence, which will enable them to decide freely on their own future,

Recognizing that the principles of national sovereignty and non-interference in the internal affairs of any State should be respected in the holding of elections,

Also recognizing that there is no single political system or single model for electoral processes equally suited to all nations and their peoples, and that political systems and electoral processes are subject to historical, political, cultural and religious factors,

Recalling its resolution 44/147 of 15 December 1989,

1. Reiterates that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right, freely and without external interference, to determine their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect that right in accordance with the provisions of the Charter;

2. Affirms that it is the concern solely of peoples to determine methods and to establish institutions regarding the electoral process, as well as to determine the ways for its implementation according to their constitutional and national legislation;

3. Also affirms that any extraneous activities that attempt, directly or indirectly, to interfere in the free development of national electoral processes, in particular in the developing countries, or that intend to sway the results of such processes, violate the spirit and letter of the principles established in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations;

4. Urges all States to respect the principle of non-interference in the internal affairs of States and the sovereign right of peoples to determine their political, economic and social system;

5. Strongly appeals to all States to abstain from financing or providing, directly or indirectly, any other form of overt or covert support for political parties or groups and from taking actions to undermine the electoral processes in any country;

6. Condemns any act of armed aggression or threat or use of force against peoples, their elected Governments or their legitimate leaders;

7. Solemnly declares that only the total eradication of apartheid and the establishment of a non-racial, democratic society based on majority rule, through the full and free exercise of adult suffrage by all the people in a united and non-fragmented South Africa, can lead to a just and lasting solution to the explosive situation in South Africa;

8. Reaffirms the legitimacy of the struggle of all peoples under colonial and foreign domination, particularly the Palestinian people, for the exercise of their inalienable right to self-determination and national independence, which will enable them to determine their political, economic and social system, without external interference;

9. Calls upon the Commission on Human Rights, at its forty-seventh session, to give priority to the review of the fundamental factors that negatively affect the observance of the principle of national sovereignty and non-interference in the internal affairs of States in their electoral processes, and to report to the General Assembly at its forty-sixth session, through the Economic and Social Council;

10. Requests the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution under the item entitled "Enhancing the effectiveness of the principle of periodic and genuine elections".

* * *

22. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

/...

A/45/766

English

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Request for the will of the people of Myanmar

The General Assembly decides to defer until its forty-sixth session consideration of the draft resolution (A/C.3/45/L.58) entitled "Respect for the will of the people of Myanmar".



General Assembly

Distr.
GENERAL

A/45/767
21 November 1990

ORIGINAL: ENGLISH

Forty-fifth session
Agenda item 45

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 44/104 CONCERNING
THE SIGNATURE AND RATIFICATION OF ADDITIONAL PROTOCOL I OF THE
TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA
(TREATY OF TLATLOLCO)

Report of the First Committee

Rapporteur: Mr. Latévi Modem LAWSON-BETUM (Togo)

I. INTRODUCTION

1. The item entitled "Implementation of General Assembly resolution 44/104 concerning the signature and ratification of Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)" was included in the provisional agenda of the forty-fifth session of the General Assembly in accordance with Assembly resolution 44/104 of 15 December 1989.
2. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.
3. At its 2nd meeting, on 9 October 1990, the First Committee decided to hold a general debate on the disarmament items allocated to it, namely, items 45 to 66. At its 4th meeting, on 16 October, the First Committee decided to consider jointly with other disarmament items agenda item 155, which was allocated to the First Committee upon a decision of the General Assembly at its 30th plenary meeting, on 15 October. The deliberations on those items took place between the 3rd and 23rd meetings, from 15 to 30 October (see A/C.1/45/PV.3-23). Consideration of and action on draft resolutions on those items took place between the 24th and 39th meetings, from 2 to 16 November (see A/C.1/45/PV.24-39).

4. In connection with item 45, the First Committee had before it the following documents:

(a) Letter dated 15 June 1990 from the representatives of Chile, Colombia, Ecuador and Peru to the United Nations addressed to the Secretary-General, transmitting the text of the statement issued by the General Secretariat of the Permanent South Pacific Commission on 3 June 1990 (A/45/314);

(b) Letter dated 9 July 1990 from the representatives of Chile, Colombia, Ecuador and Peru to the United Nations addressed to the Secretary-General, transmitting the text of the statement issued by the General Secretariat of the Permanent South Pacific Commission on 27 June 1990 (A/45/339);

(c) Letter dated 11 July 1990 from the representatives of Chile, Colombia, Ecuador and Peru to the United Nations addressed to the Secretary-General, transmitting the text of the statement issued by the General Secretariat of the Permanent South Pacific Commission on 6 July 1990 (A/45/352);

(d) Letter dated 5 October 1990 from the Permanent Representatives of Argentina and Brazil to the United Nations addressed to the Secretary-General, transmitting the text of a joint statement issued at the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, held at Geneva, from 20 August to 14 September 1990 (A/45/586).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.1/45/L.28

5. On 31 October 1990, Antigua and Barbuda, Bahamas, Barbados, Bolivia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Paraguay, Suriname, Trinidad and Tobago, Uruguay and Venezuela, submitted a draft resolution entitled "Implementation of General Assembly resolution 44/104 concerning the signature and ratification of Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)" (A/C.1/45/L.28), which was later also sponsored by Grenada. The draft resolution was introduced by the representative of Mexico at the 27th meeting, on 6 November.

6. At its 35th meeting, on 13 November, the Committee adopted draft resolution A/C.1/45/L.28 by a recorded vote of 126 to none, with 4 abstentions (see para. 7). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya,

/...

Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Angola, Argentina, Cuba, France.

III. RECOMMENDATION OF THE FIRST COMMITTEE

7. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Implementation of General Assembly resolution 44/104 concerning the signature and ratification of Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)

The General Assembly,

Recalling that in its resolution 2286 (XXII) of 5 December 1967 it welcomed with special satisfaction the Treaty for the Prohibition of Nuclear Weapons in Latin America ^{1/} as an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security,

Recalling also its various resolutions concerning the signature and ratification of Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco),

Taking into account that within the zone of application of the Treaty, to which twenty-three sovereign States are already parties, there are some territories that, in spite of not being sovereign political entities, are nevertheless in a

^{1/} United Nations Treaty Series, vol. 634, No. 9068.

position to receive the benefits deriving from the Treaty through its Additional Protocol I, to which the four States that de jure or de facto are internationally responsible for those territories may become parties,

Considering that it is not fair that the peoples of some of those territories are deprived of such benefits without being given the opportunity to express their opinion in this connection,

Recalling that three of the States to which Additional Protocol I is open - the United Kingdom of Great Britain and Northern Ireland, the Kingdom of the Netherlands and the United States of America - became parties to the Protocol in 1969, 1971 and 1981 respectively,

1. Deplores once again that the signature of Additional Protocol I by France, which took place on 2 March 1979, has not yet been followed by the corresponding ratification, notwithstanding the time elapsed and the pressing invitations that the General Assembly has addressed to it;

2. Once more urges France not to delay any further such ratification, which has been requested so many times and which appears all the more advisable, since France is the only one of the four States to which the Protocol is open that is not yet party to it;

3. Decides to include in the provisional agenda of its forty-sixth session an item entitled "Implementation of General Assembly resolution 45/___ concerning the signature and ratification of Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)".



General Assembly

Distr.
GENERAL

A/45/768
21 November 1990

ORIGINAL: ENGLISH

Forty-fifth session
Agenda item 46

CESSATION OF ALL NUCLEAR-TEST EXPLOSIONS

Report of the First Committee

Rapporteur: Mr. Latévi Modem LAWSON-BETUM (Togo)

I. INTRODUCTION

1. The item entitled "Cessation of all nuclear-test explosions" was included in the provisional agenda of the forty-fifth session of the General Assembly in accordance with Assembly resolution 44/105 of 15 December 1989.
2. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.
3. At its 2nd meeting, on 9 October 1990, the First Committee decided to hold a general debate on the disarmament items allocated to it, namely, items 45 to 66. At its 4th meeting, on 16 October, the First Committee decided to consider jointly with other disarmament items agenda item 155, which was allocated to the First Committee upon a decision of the General Assembly at its 30th plenary meeting, on 15 October. The deliberations on those items took place between the 3rd and 23rd meetings, from 15 to 30 October (see A/C.1/45/PV.3-23). Consideration of and action on draft resolutions on those items took place between the 24th and 39th meetings, from 2 to 16 November (see A/C.1/45/PV.24-39).
4. In connection with item 46, the First Committee had before it the following documents:
 - (a) Letter dated 15 June 1990 from the representatives of Chile, Colombia, Ecuador and Peru to the United Nations addressed to the Secretary-General, transmitting the text of the statement issued by the General Secretariat of the Permanent South Pacific Commission on 3 June 1990 (A/45/314);

(b) Letter dated 9 July 1990 from the representatives of Chile, Colombia, Ecuador and Peru to the United Nations addressed to the Secretary-General, transmitting the text of the statement issued by the General Secretariat of the Permanent South Pacific Commission on 27 June 1990 (A/45/339);

(c) Letter dated 11 July 1990 from the representatives of Chile, Colombia, Ecuador and Peru to the United Nations addressed to the Secretary-General, transmitting the text of the statement issued by the General Secretariat of the Permanent South Pacific Commission on 6 July 1990 (A/45/352);

(d) Letter dated 27 August 1990 from the Permanent Representative of Vanuatu to the United Nations addressed to the Secretary-General, transmitting the text of the final communiqué of the Twenty-first South Pacific Forum, held at Port Vila from 31 July to 1 August 1990 (A/45/456);

(e) Letter dated 12 October 1990 from the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General (A/C.1/45/3).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.1/45/L.30

5. On 31 October, Costa Rica, Ecuador, Indonesia, Ireland, Mexico, Myanmar, Peru, Sri Lanka, Sweden, Venezuela and Yugoslavia submitted a draft resolution entitled "Cessation of all nuclear-test explosions" (A/C.1/45/L.30), which was later also sponsored by Afghanistan, Bolivia and Ghana. The draft resolution was introduced by the representative of Mexico at the 38th meeting, on 16 November.

6. At the same meeting, the representative of Mexico orally revised the draft resolution, replacing "50" by "70" in the second preambular paragraph.

7. At its 39th meeting, on 16 November, the Committee adopted draft resolution A/C.1/45/L.30, as orally revised, by a recorded vote of 107 to 3, with 18 abstentions (see para. 8). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, Ghana, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka,

Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: France, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belgium, Bulgaria, Canada, China, Czechoslovakia, Germany, Greece, Iceland, Israel, Italy, Japan, Luxembourg, Netherlands, Poland, Portugal, Romania, Spain, Turkey.

III. RECOMMENDATION OF THE FIRST COMMITTEE

8. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Cessation of all nuclear-test explosions

The General Assembly,

Bearing in mind the highest priority which, in the sphere of disarmament, it has repeatedly assigned to the attainment of the complete cessation of nuclear-weapon tests,

Recalling that for over 30 years it has been examining this question, on which it has adopted more than 70 resolutions,

Taking into account the undertakings by the three depositary States of the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water 1/ to seek to achieve the early discontinuance of all test explosions of nuclear weapons for all time, as well as the reiteration of this commitment in the Treaty on Non-Proliferation of Nuclear Weapons, 2/

Recalling that the Secretary-General, addressing a plenary meeting of the General Assembly on 12 December 1984, after appealing for a renewed effort towards a comprehensive test-ban treaty, emphasized that no single multilateral agreement could have a greater effect on limiting the further refinement of nuclear weapons

1/ United Nations, Treaty Series, vol. 480, No. 6964.

2/ Ibid., vol. 729, No. 10485.

and that a comprehensive test-ban treaty is the litmus test of the real willingness to pursue nuclear disarmament, 3/

Recalling also that the leaders of the States associated with the Six-Nation Initiative on peace and disarmament affirmed in the Stockholm Declaration, adopted on 21 January 1988, 4/ that "Any agreement that leaves room for continued testing would not be acceptable",

Recalling further the final document on international security and disarmament adopted by the Ninth Conference of Heads of State or Government of Non-Aligned Countries, held at Belgrade from 4 to 7 September 1989, 5/ which underlined that the immediate suspension of and comprehensive ban on nuclear tests remained one of the highest priorities of nuclear disarmament,

Taking note with satisfaction of the continuing progress made in the Conference on Disarmament by the Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events on the seismic verification of a comprehensive test ban,

Taking note of the establishment, without a negotiating mandate, of an Ad Hoc Committee on a Nuclear Test Ban by the Conference on Disarmament at its summer session in 1990,

1. Reiterates once again its grave concern that nuclear testing continues unabated, against the wishes of the overwhelming majority of Member States;
2. Reaffirms its conviction that a treaty to achieve the prohibition of all nuclear-test explosions by all States for all time is a matter of the highest priority;
3. Reaffirms also its conviction that such a treaty would constitute a contribution of the utmost importance to the cessation of the nuclear-arms race;
4. Urges once more all nuclear-weapon States, in particular the three depositary States of the Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and under Water and of the Treaty on the Non-Proliferation of Nuclear Weapons, to seek to achieve the early discontinuance of all test explosions of nuclear weapons for all time and to expedite negotiations to this end;

3/ See Official Records of the General Assembly, Thirty-ninth Session, Plenary Meetings, 97th meeting, para. 302.

4/ A/43/125-S/19478, annex.

5/ See A/44/551-S/20870, annex.

5. Appeals to all States members of the Conference on Disarmament to promote the re-establishment by the Conference at the beginning of its 1991 session of the Ad Hoc Committee with the objective of carrying out the multilateral negotiation of a treaty on the complete cessation of nuclear-test explosions;

6. Recommends to the Conference on Disarmament that such an ad hoc committee should comprise two working groups dealing, respectively, with the following interrelated questions: contents and scope of the treaty, and compliance and verification;

7. Decides to include in the provisional agenda of its forty-sixth session the item entitled "Cessation of all nuclear-test explosions".
